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H – 1076

International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 July 1946.

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER:

Mr. I. D. McIlwraith.

THE O.K.W.

GENERAL FRANZ HALDER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

Dr. Laternser, have you a copy of the affidavit?

DR. LATERNSER: I need the affidavits during my interrogation as I want to show the witness the affidavits at the time.

MR. MCILWRAITH: Very well.

CROSS- ~~DIRECT~~ EXAMINATION.

BY DR. LATERNSER:

Q When were you born?

A June 30, 1884.

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Q What was your last rank?

A Colonel General.

Q What position did you hold in the German army - that is during the last part of your activities?

DR. KEMPNER: I object very strongly to this line of examination. It was understood very clearly and was repeated at least fifty times in this commission and in the court room that the cross examination be limited to the affidavit. We know what kind of jobs General Halder had, we are here for the purpose of examining the affidavit, seeing whether it is ~~mr~~ right or not, or whether he perjured himself. That is the only issue at stake here.

DR. LATERNSER: I believe that I can ask a few questions before the actual interrogation. I believe that I am acting the same as the prosecution has acted when it was the cross-examining body. My idea can be best proved by checking through the transcripts.

DR. KEMPNER: We have never had this kind of an interrogation on this sort of an affidavit. The ~~mr~~ defense counsel is entirely mistaken.

~~COMMISSIONER~~ Mr. MCILWRATH: I approve of ~~the~~ questioning lasting no longer than a few moments to establish the ~~aims~~ age of the witness and his qualifications, but for only a few moments.

BY DR. LATERNSER

Q What was your last position?

A The chief of the General Staff of the Army.

Q Since when were you arrested?

A Since July 25, 1944.

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Q You were in a concentration camp?

A Several.

Q Also your family?

A Yes.

MR. MCILWRAITH: Dr. Laternser, will you put the affidavit to him? We have heard all of this we need.

DR. LATERNSER: One further personal question.

Why were you in a concentration camp?

THE WITNESS: Because of my opposition to Hitler.

BY DR. LATERNSER:

Q General, you made two affidavits; one affidavit No. 1, USA Exhibit 531 and Affidavit No. 6, USA Exhibit 537. I would like to ask who composed these declarations.

A These affidavits were composed by an American interrogation officer. I believe his name was Captain Rapp. I had the chance to change the text.

Q Did you make many changes?

A Yes, if I remember correctly there were two or maybe three drafts. Each draft always had the previous changes in it.

Q Were these drafts, which were read before you, understandable or not?

A The first draft were grammatically German and hardly understandable.

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DR. KEMPNER: I object to this line of questioning. These so-called drafts are not in evidence. We cannot see them and we cannot ask someone about these drafts, which are not available.

MR. MCILWRAITH: Dr. Laternser, what is the object of these questions?

DR. LATERNSER: I want to show by this interrogation that it is important how this affidavit was composed. These questions are absolutely important, especially since these affidavits are part of the indictment of the prosecution against the circle of accused persons.

MR. MCILWRAITH: It is for me to say whether the questions are important or not. I do not understand what the implications of the questions might be. Will you come to the point at once and ask him what you want to ask him.

DR. LATERNSER: Were you told by the Interrogating officer for what reason these documents were asked of you?

THE WITNESS: No.

By DR. LATERNSER:

Q At the time you made this affidavit, did you realize for what it would be used?

A No.

Q Did you then realize for what it was to be used?

A I thought that they were made to clear the various facts.

Q There is a sketch on this affidavit, No. 1. Did you point out that this sketch was not correct?

A I told the interrogator that through these connecting lines, it

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is possible that wrong connections could be drawn from this chart, especially since the matter of subordination was virtually not understandable from this sketch.

Q What were you told after this objection of yours was made?

A I was told that there was no misunderstanding, since the matter of subordination was known and that this manner of drawing a sketch was the usual manner used in the American Army.

Q Colonel General, I ask you to look at this sketch and tell the court what is wrong with it?

DR. KEMPNER: The defense counsel is suggesting that the witness has said something is wrong with the sketch. The witness said very clearly in German and also the translation in English stated that there are certain lines which could be misunderstood. I object to the questioning along the line that the witness has said that something in the sketch is wrong.

MR. MCILWRAITH: Will you amend your question, Dr. Laternser, and ask the witness what it is that is not understandable?

DR. LATERNSER: I think the question which I put is acceptable.

MR. MCILWRAITH: I have told you to amend it.

DR. LATERNSER: Colonel General, would you please tell me then what is not quite correct or could be misunderstood in this sketch?

DR. KEMPNER: I am sorry to have to object continuously.

MR. MCILWRAITH: I amsorry you are doing it too.

DR. KEMPNER: I have to object in order to clarify the procedure. The court ordered that the defense counsel put the question, and the defense counsel did not put the question the way that the order was given by the

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court. The defense counsel said "what was misunderstood" and the witness said "could be misunderstood". This is a big difference.

MR. MCILWRAITH: Witness, will you answer the question put by Dr. Laternser. What could be misunderstood in this sketch?

THE WITNESS: It could be misunderstood by the connecting lines between Hitler and Keitel and the same applies to the lines between Keitel, Raeder, Boerring and Brachitsch. For another example, the lines between Field Marshall Brachitsch and me, then again the lines between myself and the various commanders in chief of the army groups. Even though the lines are always the same, the matter of subordination is always different. For instance, Brachitsch, Raeder and Goerring were never under Keitel just like all the commanders in chief of the army groups were never under me, but rather the Commander in Chief of the army, Von Brachitsch. In other words, relations varied as shown in the sketch by similar lines and that could be misunderstood.

BY DR. LATERNSER:

Q General, if you were a military authority that was not informed of the actual facts within this group or command, what would you think if this chart was presented to you? Would you think in the first place that this was the sketch of the chain of command within the forces?

A If I looked at this from the German point of view, then this sketch would tell that these people are subordinated to each other in the relationship of the positions on the sketch according to the lines. I was told, when I pointed out this fact to the interrogating officer,

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that the manner of subordination was not what they were concerned with ~~but~~ & this was the manner of doing things in the ~~German~~ American army.

MR. MCILWRAITH: You have already said this. Did you initial this sketch after your objections?

THE WITNESS: I was assured by the interrogation officer that there could be no such misunderstanding since the chain of command was already quite well known.

MR. MCILWRAITH: That is the third time you have said that, but you have not yet answered my question.

THE WITNESS: After the declaration of the American officer, I signed the sketch.

DR. LATERNSER: In other words on this sketch should be shown, even though it is not marked on it, the channels within this organization.

THE WITNESS: The word "channel" was used at that time.

BY DR. LATERNSER:

Q I would like to ask you once again to look on the left side of this drawing. Would you look and tell me if it is correct that the orders went from the Commander in Chief of the Army over to the Chief of the General ~~Staff~~ Staff. You then could examine them and independantly pass on these orders to the Commanders in Chief of the army groups?

A No, the commander in chief of the army used the offices of the General Staff and then the orders went to the field army. This office issued his orders.

Q If the office of the chief of the General Staff was only to pass on this information, then this sketch, even though it is only supposed to show the channels of order, should not show the office of the Chief of the

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General Staff.

A Not as an independant office like the office of the Commander in Chief of the Army.

Q In other words, the chain of orders was that the orders went from the Commander in Chief of the Army directly to the commanders in chief of the army groups?

A The Commander in Chief of the army and his staff. This group was called by us the OKH - the high command of the army and from that office the channel went down directly to the commanders in chief of the army groups.

Q The channel orders is also not correct in this sketch in other words?

A The commander in chief of the army informed me of his decisions and I and my staff had to work them out, therefore, there actually was such a channel as is designated on the drawing.

Q But, you in your position as chief of the general staff did not pass on these orders, they were handed to you by the Commander in Chief of the Army.

A No, OKH, the high command of the army.

MR. MCILWRAITH: You have cleared this up sufficiently, Dr. Laternser, your point is quite clear.

DR. LATERNSER: I will finish pretty soon, Sir. I have two or three more questions in this connection and will come to my final point.

Don't you think it would have been better if the commander in chief of the army and chief of the general staff of the army would have been put into one box. For instance, if the commander in chief of the army would have been put on the left ~~side~~ side of this box and the office of

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the commander in chief of the army on the right side of the box and one line should have gone down through the entire box and named the OKH - the high command of the army?

THE WITNESS:

A This question was considered and I even spoke about it to Captain Rapp, but I did not want this form of sketch because it also is not correct. The chief of the general staff of the army is only one person and he together with the commanders in chief of the armies forms the OKH - the high command of the army.

BY DR. LATERNSER:

Q Then the right box should have been divided again and one of the parts should have been given to the chief of the general staff of the army.

A I think that would have been out of the frame-work of the sketch that was wanted. It would not have been the correct sketch and I gave to Captain Rapp at that time two sketches of the OKH, which I made up to the best of my ability and which exactly showed the functions of the OKH - the high command of the army. He had all of that material.

Q Colonel General, you admit that this drawing, even though it is only supposed to show the channel of orders, could be misunderstood?

A Yes.

Q I ask you now is this drawing not quite correct, as it is only supposed to show the chain of command?

A Without the verbal explanation, it does not give quite a clear picture.

Q To a military observer, what would this sketch mean to show beside the chain of command and the business channels?

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A The matter of subordination.

Q That would have been the chain of command, nothing else?

A I can hardly imagine anything else.

Q If, as you state, this sketch is not quite correct in showing the chain of command, you also stated yourself that the sketch is not quite correct in showing the business channels and if you state that there is nothing else you can draw from this sketch, then one would say that the sketch itself is not correct?

A I think that it could be right in connection with the verbal explanations which were given at that time.

Q But, it would not be correct if the verbal explanations were not attached to this sketch?

A The sketch was correct with the verbal explanations, which I gave to the interrogating officer. What use he made of this, I do not know and I did not know if he treated it with or without the attached explanations.

MR. MC ILWRAITH: You have not answered the question as yet. You have stated that the sketch is correct with the verbal explanation. Does it follow that it is incorrect without the verbal explanations? That was the question.

THE WITNESS: Yes, it might lead to misunderstanding without the verbal explanations.

BY DR. LATERNSER:

Q General, would you draw the sketch like this again.

A If it would not just be for the information of the interrogating officer and if it would be used without my explanation, then I would not.

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Q That will be all for this point.

MR. MCILWRAITH: Is that all the questioning you desire of this witness?

DR. LATERNSER: No, only on this point.

MR. MCILWRAITH: Do you prefer to have ~~cross~~ re- examination on this point or to have all the questions finished.

DR. KEMPNER: I think it would be a good idea if I could re-~~cross~~ examine on this one point.

MR. MCILWRAITH: Very well, go ahead.

DR. LATERNSER: Mr. Commissioner, I ask you not to deviate from the procedure which was used up to now and that is that the cross examination be made and closed in one complete examination.

MR. MCILWRAITH: Dr. Laternser, you invited me to let the prosecution re-examine because you finished with that point. I asked if that was all the questions you had to ask and you said only on that point. If you wish to continue to cross examine the witness on other points, do so, but don't interrupt yourself.

DR. LATERNSER: I would like to say that I don't want the value of this cross examination made any smaller by questions in between by the prosecution and I would like to insist that the rules we have followed up to now be followed.

MR. MCILWRAITH: It is you who are interrupting yourself. Continue. ~~continuously.~~

DR. LATERNSER: I will recall this question. I recall the statement concerning this point.

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DR. KEMPNER: I do not want to ask any questions, I only want to make a statement on behalf of the United States.

MR. MCILWRAITH: This is not the time to do it, ~~now~~ Now Dr. Laternser says he wants to go straight on.

BY DR. LATERNSER:

Q In your Affidavit No. 1, you use the words "group" four times. Does this expression "group" come from you?

A No, it was contained in a text and the text was changed several times and I left it in the text.

Q Did you use this word "group" in a similar connection previously - that you regarded the military leaders as a group.

A No.

Q What was the sense, the meaning, which you gave this word at the time you signed the statement?

A I did not have any thoughts about this word group. It was just another way of saying number.

Q Did you mean several Generals or did you mean a specific group of generals, which were connected closely for a specific reason?

A The number of generals who may be designated as the leading generals.

Q The prosecution now afterwards explains this word "group" in such a way as if there had been a closed group or organization of the military leaders. Was there ever any such organizational group?

A No.

DR. KEMPNER: I object against this question. We never said

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there was such an organization group.

MR. MCILWRAITH: It is a perfectly proper question. Go ahead, Dr. Laternser.

DR. LATERNSER: In the last paragraph of Affidavit 1 in the first sentence you state the following, and I quote: "The composition of this group in the relationship of its members to each other is as shown on the attached chart." What do you mean by "in the relationship to each other?"

THE WITNESS: By that I mean whether these officers were under equal authority or under the authority of other officers.

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Q In the affidavit No. 1 you state in the middle of the first page, I quote:"These officers exercise such supervision in their official capacity, and by virtue of their training with opposition in their mutual contacts." What do you mean by "mutual contacts". Were there any special relations?

A The same as is meant as in relationship to each other in the last paragraph. There were no other relations.

Q That is if you don't consider the comradeship contact?

A. Those are matters of fact in every army.

Q The last paragraph in that affidavit you state, and I quote:"This was in effect the general staff,and high command of the German Army forces," ~~and~~ From whom did this expression come "In effect the general staff"?

A This was the draft which was submitted to me by Captain Rapp.

Q But you left it in that affidavit. What was the meaning you gave this sentence, or this wording at the time when you signed it?

A The reason why I did not make any changes even though I did have the possibility was as follows: Now the words "General Staff" among others and as it is understood in the German Army is different ~~then~~ from in the Allied Army, and in those armies where the ~~commanding~~ commander in chief at the same time is chief of the General Staff, the General Staff is considered a group of leading commanding generals. In the German Army the General Staff is virtually a group of aids which work especially in the operational and organizational staff. I believe that in the American Army it is called the third office or the third echelon. In both cases, in other words, it is entirely a different meaning, a "General Staff." I was especially entrusted in showing that this was a technical military leadership -- an actual military leadership,and that sofar as I know is designated as "General Staff" in the

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American Army. In order to prevent any misunderstanding between the German General Staff, it was a purely technical aid group,and the American Military Army the General Staff is considered the actual military leadership. In order to prevent any such misunderstanding I consider the verdict of Captain Rapp the best. That is why I left it that way. I was in addition having the thought that this affidavit was to explain or to clarify these matters for the American Army.

Q In other words, you wanted to use the military terminology of the American Army forces in this case?

A Yes.

Q And you did not mean the words "General Staff" as in a German Staff?

A No.

Q Would you use the words,"General Staff" in this connection again?

A For a German reader, no, but for an American reader to whom it was given I would not have any hesitation whatsoever.

Q And if you knew that the results would be that the higher German General leaders would have combined under this term"General Staff" and if this term used by you would be used mistakingly, would you use it again?

MR. MCILWRAITH: What is the answer?

THE WITNESS: I can say this, on this occasion that the words "General Staff" was used by the opposition all during the entire war, and, therefore, could not have been brought about by my affidavit.

BY DR. LATERNSER:

Q The two affidavits, one and two, ~~has~~ the second one ~~as~~ being made by Fieldmarshall Brauchitsch are exactly in the same wording,word for word,with the exception of the last paragraph. Can you give me an explantion for this

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exact wording?

A I suppose that after a series of interrogations a draft of the results was laid before Fieldmarshall Brauchitsch and myself. Fieldmarshall Brauchitsch evidently objected to the wording in the last paragraph, and had something changed while I did not do that.

Q Did you talk to Fieldmarshall Brauchitsch concerning this last paragraph, and his objection to it?

A He told me after both he and I had signed it that he had objected to the term in effect of "General Staff" and that he had it changed. I answered him that the declaration of the American interrogating officer was sufficient for me, that the term would be used correctly.

DR. LATERNSER: Mr President, can we now have a recess. of ten minutes.

(Recess)

BY DR LATERNSER:

Q You said the following in affidavit No. 1, second paragraph: "Specialized military matters of responsibility of three branches of the armed forces subordinate the commander in chief of armed forces, that is to say, the Army, Navy and Air Forces?" You only mention Navy and Air Forces here. Weren't also the Einsatz Group and Einsatz Command, the SIPO and the SD, under the command of military commanders ?

A No.

Q The Quartermaster General Wagner told you that in his verbal conference with Heydrich they decided upon the ultimate plans of the socalled Einsatz Group, and of their activity down to the last detail, including the mass exterminations?

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DR KEMPNER: I object to the question because that has nothing to do with this affidavit. We are only concerned with this affidavit,and I submit this question should be stricken from the record.

DR. LATERNSER: The witness speaks only of subordinates here, only of the Army, Navy and Air Forces. The prosecution claims that the Einsatz group and the SD were under the command of the military in the military areas,and the defense does not agree with that, and, therefore, the witness should have a chance to give his statement on that.

MR MCILWRAITH: Where does the "SD"come into this affidavit?

DR. LATERNSER: The witness talks as of the subordinates of the Army, Navy and Air Corps. Does that mean anything about the SD , if so, therefore, it is my duty to find out whether the affidavit is complete, and if the affidavit is correct that is what I want, but if that is out of this questioning then the statement is correct. However, if the SD was under the Army jurisdiction then the affidavit is not correct.

DR. KEMPNER: The defense counsel had ample opportunity to ask the witness about this and he did. We spent hours and hours with other generals on this topic,and the defense counsel was advised to adhere to this affidavit and do nothing else,and he talks right now about murder, whether the SD has murdered,and not about any question which has to do with the affidavit.

MR. MCILWRAITH: Dr Laternser,I don't think you may ask that question.

BY DR. LATERNSER:

Q Did you give all the units active in the military field that designation, when you say that the Army,Navy and Air Corps were under the commander in

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chief of the armed forces?

A I believe so, yes.

Q It says in the affidavit No. 1 in the middle of the page, I quote: "Plans for military operations and soforth." How did you use the word "plans" in this connection?

A In the same sense as it is used in the German military language. One speaks of planned operations, the planning stage of it; it speaks of the attack plan, or plan of a regiment, or a battalion to attack, in that term I had spoken.

Q Did you yourself prepare, make or submit any plans for actual use, I mean plans of your own yourself?

A I got the order from my commander in chief, who in turn received his order from the OKW, to work out, or have worked out by their staff the leadership plan, or technical leadership plans, and at times worked on it myself.

Q When for the first time did you hear of the discussion of the 5th November 1937?

MR. MCILWRAITH: But there is no mention of that in this affidavit.

DR. LATERNSER: I want to point out to you, Mr Commissioner, on the first page at the bottom of it, the second to the last sentence, where it says the example of such meeting is of a speech by Hitler, or the commander in chief on 22nd August 1939; that is one of the meetings which the general announced, and among the same meetings is the one of 5 November 1937, of which the generals are also accused, and which can very easily be brought within this line of questioning.

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MR MCILWRAITH: You ~~can~~ must confine yourself to August 22,1939.

BY DR. LATERNSER:

Q When did you hear of the plan which was announced to the commander in chief on 5 November 1937?

MR MCILWRAITH: You may not ask that question.

BY DR. LATERNSER:

Q I now refer to the middle of page 1 for this questioning, where they speak of plans for the military operations for the German Armed forces. The plan of which the general staff is also accused, and was submitted to the commander in chief on 5 November 1937?

MR MCILWRAITH: If you put the question in the form,"What was the date of the plan for military operations referred to in the affidavit," you may ask it.

DR. LATERNSER:

Q Was that/the plan, or the plan which had as its basis the discussion of 5 November 1937 ?

A No.

Q Did your predecessor,Colonel General Beck, tell you when you took over his position of any such meeting in November 1937?

DR. KEMPNER: We object again to this question. It has nothing to do with the affidavit. The affidavit speaks of plans in general,and not about any specific plans.

MR MCILWRAITH: The witness has stated that the plan announced byHitler on 5 November 1937 was not one of the plans referred to in his affidavit,and therefore , no other question should be asked about 5th November 1937.

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by DR. LATERNSER:

Q Do you know if there was a plan for occupation of Austria?

A I don't know of any plans for the occupation, but only a plan for a guarding of the German borders towards Austria.

Q Do you know of any further ~~questions~~ plans after the Sudetan question had been settled?

DR. KEMPNER: We object again to this continued line of asking questions which are not covered by the affidavit. The affidavit does not say ~~xxxx~~ anything about Austria, or about Czechoslovakia, and it was very clear and outsstanding about the accusations announced, and in other countries, when we had five or six witnesses under discussion the whole winter, and we did it in days and days and days. We agreed to the cross examination in these affidavits, which is a very strong topic, and we considered it inadmissible in this stage of the Commissioner's hearing in opening the avenue for cross examination for days and days of these witnesses.

MR. MCILWRAITH: If you really want to find out what are the ~~xxx~~ plans for military operations to which the witness refers in his affidavit, you must ask him. You must not frame your question to ask him whether he does or does not know of ~~the various stands that you are making.~~ other plans.

BY DR. LATERNSER:

Q What plans of military operations were available after the Sedutan question had been settled?

A There were neither plans nor any preparation of them. In fact in December 1938 it was when the OKW sent out an order saying that all military planning had to cease, and that the Army having concerned itself with the training further of its troops.

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MR MCILWRAITH: Don't you think you have done enough with this affidavit now?

DR. LATERNSER: I can say that I will be finished very shortly.

Q Did you as commander in chief of the army take any steps in the year of 1939 in order to warn Hitler of a possible war. I refer in this respect to the third paragraph of the affidavit number one, page one, the last part of that paragraph which states,"Which were to be undertaken by troops."

A I told my commander inchief repeatedly of my thoughts, or my ideas. I never had any talk with Hitler. These thoughts evidently were the result I would like to say of a talk with Sir Henderson. The commander inchief of the army brought this to the attention of Hitler according to my request.

MR RAPP: Mr Commissioner, in that respect I would like to point out that this kind of questioning does not proceed entirely from the affidavit,and I would kindly ask you again to instruct the counsel to confine himself to the subjectmatter.

MR MCILWRAITH: I don't see how this is connected in any way with the affidavit,but perhaps you can explain it.

DR. LATERNSER: The "General Staff" is accused with a plan of carrying out plans, and the affidavit of the witness seemingly verifies this, that such plans were made and carried out. Now if I ask the witness whether he warned anybody of this proposed possible war, then this question is directly connected with this affidavit, because the possible answering of this question will show the opposite in this proof.

MR MCILWRAITH: Well, I understand that,and we have heard the answer. Now continue with the next question.

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BY DR. LATERNSER:

Q How did your commander-in-chief of the army warn of the injury of neutrality of Belgium and Holland after you heard that Hitler wanted to start the war against the Western Powers through an attack against France?

A I pointed out my opposition to the commander-in-chief of the army and I believe that he went to Hitler with these objections at the end of September 1939.

~~COMMISSIONER~~ Mr. McILWRAITH: I think you are mistaken in thinking these answers are of importance. I agree that they ~~are~~ maybe relevant but I don't think they are of ~~any~~ importance.

Q When, as Commander-in-Chief of the General Staff of the Army did you hear the first time of the proposed attack on Russia and when did you start with the planning or preparation?

DR. KEMPNER: I respectfully submit that this is outside the defined topic of this affidavit and the defined purpose of this examination whether this affidavit is correct or not.

~~COMMISSIONER~~ Mr. McILWRAITH: Dr. Laternser, that question cannot be allowed. This affidavit is directed at showing the organization of the High Command.

DR. LATERNSER: The reason for this affidavit is not just to show the chart of the High Command but also to show its activity especially also the planning and preparation of wars. In the middle of the first page it states the sentence which I have already quoted: "They actually did prepare for any such operations as were to be undertaken." If I ask him, ~~the~~ who was at that time Chief of Staff of the Army, when he heard of the plan to attack Russia, then the answer to this question is right in the middle of this theme.

~~COMMISSIONER~~ Mr. McILWRAITH: Well, let him give as brief an answer as possible.

A The first evidence of a possible military conflict I received at the beginning of August 1940. First orders in the form of verbal decrees and orders I received,

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if I remember correctly, in September of 1940.

~~COMMISSIONER~~ McILWRAITH: You were not asked that. Will you confine yourself to answering the question. You have answered the question. Now, Dr. Laternser, will you continue, and keep it short?

BY DR. LATERNSER:

Q When did you start with the preparations. Did you have maps in the General Staff of the Army at that time.

A Not in August 1940. We started with the status the end of August and then, after the Order had been received, in September 1940.

Q Were there any objections against the preparation of this plan by you?

A When the Commanding Chief of the Army told me of this proposed attack for the first time I did object to it quite emphatically.

Q Did you bring out any objections later on during military meetings with Hitler?

A On the 3rd or 4th of February 1941 the military counter objections were submitted to Hitler.

Q When a military leader objected to a certain plan could he show his objection by retiring?

MR. RAPP: Mr. Commissioner, we would like to point out that this is not a school for tactical instructions. I believe that this question is entirely irrelevant, that the opinion of the individual is asked for, and that we should again try to confine ourselves to the affidavit.

~~COMMISSIONER~~ McILWRAITH: I don't think that question is a relevant one, Dr. Laternser.

DR. LATERNSER: May I say a few words in this respect?

~~COMMISSIONER~~ McILWRAITH: Yes, but please keep it short. You are wasting too much time.

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DR. LATERNSER: In his affidavit the witness has stated that there were plans being prepared and carried out. This statement has been used by the prosecution in the charge against the General Staff. When I asked the witness now whether a military commander could protest against such plans by resigning from his office I should like to have the opinion of the witness in this respect.

~~COMMISSIONER~~ McILWRAITH: No doubt you would like to have a lot of things from this witness, Dr. Laternser, but the object of this procedure is for him to set down in an affidavit a few things on a particular subject and you must confine your cross-examination to what he has set down.

DR. LATERNSER: In putting this question I should like to prove that on the contrary attempts were made at raising objections against the carrying out of such orders.

~~COMMISSIONER~~ McILWRAITH: I don't know what you mean.

DR. LATERNSER: When I put this question I am trying to prove that it was impossible to protest against such plans by giving one's resignation.

~~COMMISSIONER~~ McILWRAITH: That isn't one of the matters that this witness has been called to prove. Twenty-one defendants before the Tribunal have all said that they could not resign. This witness is here to give evidence only as set out in his affidavit. Will you please confine yourself to cross-examining on that affidavit.

BY DR. LATERNSER:

Q I have another question as regards affidavit No. 6. Witness, I should like to ask you the following question: In this statement you say that the Deputy Chief of the Leadership Corps of the Armed Forces was competent for the draft of strategic plans. I now ask you is that correct and did the position of the Deputy Chief of the Armed Forces exactly correspond to what you have stated here?

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A May I first answer the second part of the question? The position of the Deputy Chief of the Leader Staff of the Armed Forces is in no proportion whatever to the other services mentioned in this statement. It is of much less importance. As regards strategic plans, I have used the word the "drafting" of strategic plans ("ausarbeitung.) The competent agency in this respect is the office which makes out the orders in detail and passes them on. As far as I can remember the drafts in most cases were made by Jodl himself, at least as long as I was in office.

DR. LATERNSER: I have no further questions.

~~COMMISSIONER~~ Mr. McILWRAITH: Any re-examination?

RE-EXAMINATION

BY DR. KEMPNER:

Q Herr General Oberst, you know Captain Rapp, don't you?

A I have seen him several times.

Q Is he this gentlemen here in civilian clothes?

A Yes, I think so?

Q How many times had you conversations with him - approximately?

A I can't give any exact number but I think it was three or four times.

Q These were long and friendly conversations, is that correct?

A ~~Yes, long~~ Normal conversations.

Q Did these affidavits constitute the result of these conversations as regards the points mentioned in here?

A I suppose that they are partly the result of the conversations that I had with Captain Rapp.

Q Had you the opportunity of making any corrections in these affidavits?

A Yes.

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Q You made use of this opportunity in Affidavit No. 1 ~~for~~ about four times, do you remember that?

A I can remember as regards the first drafts or at least the first draft that I made corrections in every line; if there were three or four dozens of lines it will probably be that there were more than four corrections.

Q And you have made four corrections on the last one as I can see from the marginal remarks.

A I can't remember that.

Q May I ask you whether this is your signed "H?"

(Document is shown to witness.)

A Yes it is.

Q Do you think that after all these corrections this affidavit is correct and you have maintained its correctness under oath? Is that so?

DR. LATERNSER: I object. It cannot yet be stated whether the result is correct. The witness must first be questioned in this respect. It was exactly the same case when I was interrupted when I asked with respect to a wrong chart?

DR. KEMPNER: I will reframe the question.

Q Is the affidavit which you gave at that time correct, or is it not?

A Together with corrections and explanations which I gave to Captain Rapp I maintain the correctness but without them it leads certainly to a misunderstanding.

~~COMMISSIONER~~ McILWRAITH: Are you talking about the chart or the affidavit?

A In particular about the chart.

DR. KEMPNER: I had not asked you about the chart. I ask you if Affidavit No. 1 is correct?

A I cannot separate the chart from the affidavit as it constitutes a part of the affidavit.

~~COMMISSIONER~~ McILWRAITH: I think you can separate them. The chart is

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referred to only in the last three lines of the affidavit.

A The text refers to the chart several times.

MR. RAPP: Mr. Commissioner, direct reference to the "attached chart" is made in the last line of the affidavit.

~~COMMISSIONER~~ McILWRAITH: Is not that the only reference?

MR. RAPP: Yes.

~~COMMISSIONER~~ McILWRAITH: Well now, witness, will you answer the question whether the affidavit, apart from the chart, is correct or not?

A In so far as it does not refer to the chart I think it is correct.

DR. KEMPNER: Do you know that only the last paragraph refers to the chart which is attached?

~~COMMISSIONER~~ McILWRAITH: Surely we have finished with this subject now.

BY DR. KEMPNER:

Q Now something else. We read in the last paragraph of the affidavit: "This was, in effect, the General Staff and High Command of the German Armed Forces." Do you remember that it was at your initiative that the words "in effect" were put before the words "the General Staff and High Command?"

A I can't remember exactly. It may be the words "in effect" replaced another word at my initiative but I can't remember exactly.

Q Or that there was nothing at all replaced by the words "in effect?"

A I can't remember. Anyway, if I put these words in it was my intention to clarify the sentence.

Q Now we come to the chart. This chart has never been used as such but only in connection with the affidavit. That is why I ask you if the following statement in your affidavit is correct and I quote: "The composition of this group and the relationship of its members to each other were as shown in the attached chart." Is that correct?

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A I have already said that the relationship of its members to each other cannot be understood from this chart and from the lines of this chart without any further explanation.

Q But together with these explanations it is correct, isn't it?

A I have never laid down the explanations which I gave to Captain Rapp at that time so that I cannot remember them exactly right now.

~~COMMISSIONER~~ Mr. McILWRAITH: But you weren't asked that. You were asked a question which you answered about an hour ago -- "Without further explanation is this chart correct" and your answer was "No" and I presume it is still the same?

A Yes.

DR. KEMPNER: That is all.

~~COMMISSIONER~~ Mr. McILWRAITH: The witness may retire.

(The Commission adjourned at 1645 hours.)

* * * * * * * * * * * * * * * * * * *

The foregoing is a true and correct transcript of the testimony of GENERAL FRANZ HALDER, taken on 26 July 1946.

Helen Merchant
Reporter (pp. 1-14)

Charles Malloy
Reporter (pp. 15-24)

Mabel A. Lesser
Reporter (pp. 25-28)

CERTIFIED TO:

I. D. McIlwraith
(Commissioner)

Com. B.
Take 1-Pg. 1.
Meehan
26 July, 1946.
HALDER

Mr Denney

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 July 1946.

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER:

Mr. I. D. McILWRAITH.

THE O.K.W.

GENERAL FRANZ HALDER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

Dr. Laternser, have you a copy of the affidavit ?

Dr. LATERNSER: I need the affidavits during my interrogation as I want to show the witness the affidavits at the time.

MR. MCILWRAITH: Very well.

DIRECT EXAMINATION.

BY DR. LATERNSER:

Q When were you born?

A June 30, 1884.

Q What was your last rank ?

A Colonel General.

Q What position did you hold in the German army - that is during the last part of your activities ?

DR. KEMPNER: I object very strongly to this line of examination. It was understood very clearly and was repeated at least fifty times in this commission and in the court room that the cross examination be limited to the affidavit. We know what kind of jobs General Halder had, we are here for the purpose of examining the affidavit, seeing whether it is right or not, or whether he perjured himself. That is the only issue at stake here.

DR. LATERNSER: I believe that I can ask a few questions before the actual interrogation. I believe that I am acting the same as the prosecution has acted when it was the cross examining body. My idea can be best proved by checking through the transcripts.

DR. KEMPNER: We have never had this kind of an interrogation on this sort of an affidavit. The defense counsel is entirely mistaken.

COMMISSIONER MCILWRAITH: I approve of the questioning lasting no longer than a few moments to establish the aims of the witness and his qualifications, but for only a few moments.

BY DR. LATERNSER

Q What was your last position ?

A The chief of the General Staff of the Army.

Q Since when were you arrested ?

A Since July 25, 1944.

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Q You were in a concentration camp ?

A Several.

Q Also your family ?

A Yes.

MR. MCILWRAITH: Dr. Laterner, will you put the affidavit to him ? We have heard all of this we need.

DR. LATERNSER: One further personal question.

Why were you in a concentration camp ?

THE WITNESS: Because of my opposition to Hitler.

BY DR. LATERNSER:

Q General, you made two affidavits; one affidavit No.1 USA Exhibit 531 and Affidavit No. 6. USA Exhibit 537. I would like to ask who composed these declarations.

A These affidavits were composed by an American interrogation officer. I believe his name was Captain Rapp. I had the chance to change the text.

Q Did you make many changes ?

A Yes, I remember correctly there were two or maybe three drafts. Each draft always had the previous changes in it.

Q Were these drafts, which were read before you, understandable or not ?

A The first draft were grammatically German and hardly understandable.

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DR. KEMPNER: I object to this line of questioning. These so-called drafts are not in evidence. We cannot see them and we cannot ask someone about these drafts, which are not available.

MR. MCILWRAITH: Dr. Laternser, what is the object of these questions ?

DR. LATERNSER: I want to show by this interrogation that it is important how this affidavit was composed. These questions are absolutely important, especially since these affidavits are part of the indictment of the prosecution against the circle of accused persons.

MR. MCILWRAITH: It is for me to say whether the questions are important or not. I do not understand what the implications of the questions might be. Will you come to the point at once and ask him what you want to ask him.

DR. LATERNSER: Were you told by the Interrogating officer for what reason these documents were asked of you ?

THE WITNESS: No.

BY DR. LATERNSER:

Q At the time you made this affidavit, did you realize for what it would be used ?

A No.

Q Did you then realize for what it was to be used ?

A I thought that they were made to clear the various facts.

Q There is a sketch on this affidavit, No. 1. Did you point out that this sketch was not correct ?

A I told the interrogator that through these connecting lines, it

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is possible that wrong connections could be drawn from this chart, especially since the matter of subordination was virtually not understandable from this sketch.

Q What were you told after this objection of yours was made ?

A I was told that there was no misunderstanding, since the matter of subordination was known and that this manner of drawing a sketch was the usual manner used in the American Army.

Q Colonel General, I ask you to look at this sketch and tell the court what is wrong with it ?

DR. KEMPNER: The defense counsel is suggesting that the witness has said something is wrong with the sketch. The witness said very clearly in German and also the translation in English stated that there are certain lines which could be misunderstood. I object to the questioning along the line that the witness has said that something in the Sketch is wrong.

MR.MCILWRAITH: Will you amend your question, Dr. Laternser, and ask the witness what it is that is not understandable ?

DR. LATERNSER: I think the question which I put is acceptable.

Mr.MCILWRAITH: I have told you to amend it.

Dr. LATERNSER: Colonel General, would you please tell me then what is not quite correct or could be misunderstood in this sketch ?

DR. KEMPNER: I am sorry to have to object continously.

Mr. MCILWRAITH: I am sorry you are doing it too.

Dr. KEMPNER: I have to object in order to clarify the procedure. The court ordered that the defense counsel put the question and the defense counsel did not put the question the way that the order was

was given by the court. The defense counsel said "what was misunderstood" and the witness said "could be misunderstood". This is a big difference.

MR.MCILWRAITH: Witness, will you answer the question put by Dr. Laternser. What could be misunderstood in this sketch ?

The WITNESS: It could be misunderstood by the connecting lines between Hitler and Keitel and the same applies to the lines between Keitel, Raeder, Goering and Brauchitsch. For another example, the lines between Field Marshall Brauchitsch and me, then again the lines between myself and the various commanders in chief of the army groups. Even though the lines are always the same, the matter of subordination is always difference. For instance, Brauchitsch, Raeder and Goering were never under Keitel just like all the commanders in chief of the army groups were never under me, but rather the Commander in Chief of the army, Von Brauchitsch. In other words, relations varied as shown in the sketch by similar lines and that could be misunderstood.

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BY DR. LATERNSER:

Q General, if you were a military authority that was not informed of the actual facts within this group or command, what would you think if this chart was presented to you ? Would you think in the first place that this was the sketch of the chain of command within the forces ?

A If I looked at this from the German point of view, then this sketch would tell that these people are subordinated to each other in the relationship of the positions on the sketch according to the lines. I was told, when I pointed out this fact to the interrogating

officer, that the manner of subordination was not what were concerned with but the manner of doing things in the German army.

MR.MCILWRAITH: You have already said this. Did you initial this sketch after your objections ?

THE WITNESS: I was assured bu the interrogation officer that there could be no such misunderstanding since the chain of command was already quite well known.

MR. MCILWRAITH: That is the third time you have said that, but you have not yet answered my question.

THE WITNESS: After the declaration of the American officer, I signed the sketch.

DR. LATERNSER: In other words on this sketch should be shown, even though it is not marked on it, the channels within this organization.

THE WITNESS: The word "channel" was used at that time.

BY DR. LATERNSER:

Q I would like to ask you once again to look on the left side of this drawing. Would you look and tell me if it is correct that be orders went from the Commander in Chief of the Army over to the Chief of the General Staff. You then could examine them and independantly pass on these orders to the Commanders in Chief of the army gpups ?

A No, the commander in chief of the army used the offices of the General Staff and then the orders went to the field army. This office issued his orders.

Q If the office of the chief of the General Staff was only

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to pass on this information, then this sketch, even though it is only supposed to show the channels of order, should not show the office of the Chief of the General Staff.

A Not as an independant office like the office of the Commander in Chief of the Army.

Q In other words, the chain of orders was that the orders went from the Commander in Chief of the Army directly to the commanders in chief of the army groups ?

A The Commander in Chief of the army and his staff. This group was called by us the OKH - the high command of the army and from that office the channel went down directly to the commanders in chief of the army groups.

Q The channel orders is also not correct in this sketch in other words ?

A The commander in chief of the army informed me of his decisions and I and my staff had to work them out, therefore, there actually was such a channel as is designated on the drawing.

Q But, you in your position as chief of the general staff did not pass on these orders, they were handed to you by the Commander in Chief of the Army.

A No, OKH, the high command of the army.

MR. MCILRAITH: You have cleared this up sufficiently, Dr. Laternser, your point is quite clear.

DR. LATERNSER: I will finish pretty soon, Sir. I have two or three more questions in this connection and will come to my final point.

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Don't you think it would have been better if the commander in chief of the army and chief of the general staff of the army would have been put into one box. For instance, if the commander in chief of the army would have been put on the left six of this box and the office of the commander in chief of the army on the right side of the box and one line should have gone down thru the entire box and named the OKH - the high command of the army ?

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THE WITNESS:

This question was considered and I even spoke about it to Captain Rapp, but I did not went this form of sketch because it also is not correct. The chief of the general staff of the army is only one person and he together with the commanders in chief of the armies forms the OKW - the high command of the army.

BY DR. LATERNSER:

Q Then the right box should have been divided again and one of the parts should have been given to the chief of the general staff of the army.

A I think that would have been out of the frame-work of the sketch that was wanted. It would not have been the correct sketch and I gave to Captain Rapp at that time two sketches of the OKW, which I made up to the best of my ability and which exactly showed the functions of the OKH. - the high command of the army. He had all of that material.

Q Colonel General, you admit that this drawing, even though it is only supposed to show the channel of orders, could be misunderstood ?

A Yes.

Q I ask you now is this drawing not quite correct, as it is only

supposed to show the chain of command ?

A Without the verbal explanation, it does not give quite a clear picture.

Q To a military observer, what would this sketch mean to show beside the chain of command and the business channels ?

A The matter of subordination.

Q That would have been the chain of command, nothing else ?

A I can hardly imagine anything else.

Q If, as you state, this sketch is not quite correct in showing the chain of command, you also stated yourself that the sketch is not quite correct in showing the business channels and if you state that there is nothing else you can draw from this sketch, then one would say that the sketch itself is not correct ?

A I think that it could be right in connection with the verbal explanations which were given at that time.

Q But, it would not be correct if the verbal explanations were not attached to this sketch ?

A The sketch was correct with the verbal explanations, which I gave to the interrogating officer. What use be made of this, I do not know and I did not know if he treated it with or without the attached explanations.

MR.MC ILRAITH: You have not answered the question as yet. You have stated that the sketch is correct with the verbal explanation. Does it follow that it is incorrect without the verbal explanations ? That was the question.

THE WITNESS: Yes, it might lead to misunderstanding with the verbal explanations.

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BY DR. LATERNSER:

Q General, would you draw the sketch like this again.

A If it would not just be for the information of the interrogating officer and if it would be used without my explanation, then I would not.

Q That will be all for this point.

MR.MC ILWRAITH: Is that all the questioning you desire of this witness ?

DR.LATERNSER: No, only on this point.

Mr.Mc ILWRAITH: Do you prefer to have cross examination on this point or to have all the questions finished ?

DR. KEMPNER: I think it would be a good idea if I could re-cross examine on this one point.

MR.MC ILWRAITH: Very well, go ahead.

DR. LATERNSER: Mr. Commissioner, I ask you not do deviate from the procedure which was used up to now and that is that the cross examination be made and closed in one complete examination.

MR.MC ILWRAITH: Dr. Laternser, you invited me to let the prosecution re-examine because you finished with that point. I asked if that was all the questions you had to ask and you said only on that point. If you wish to continue to cross examine the witness on other points, do so, but don't interrupt yourself.

DR. LATERNSER: I would like to say that I don't want the value of this cross examination made any smaller by questions in between by the prosecution and I would like to insist that the rules we have followed up to now be followed.

MR. MC ILWRAITH: It is you who are interrupting yourself continuously.

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DR. LATERNSER: I will recall this question. I recall the statement concerning this point.

DR. KEMPNER: I do not want to ask any questions, i only want to make a statement on behalf of the United States.

MR. MC ILWRAITH: This is not the time to do it. Now Dr. Laternser says he wants to go straight on.

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BY DR. LATERNSER:

Q In your Affidavit No. 1, you use the words "group" four times. Does this expression "group" come from you ?

A No, it was contained in a text and the text was changed several times and I left it in the text.

Q Did you usw this word "group" in a similar connection previously - that you regarded the military leaders as a group.

A No.

Q What was the sense, the meaning, which you gave this word at the time you signed the statement ?

A I did not have any thoughts about this word group. It was just another way of saying number.

Q Did you mean several Generals or did you mean a specific group of generals, which were connected closely for a specific reason ?

A The number of generals who may be designated as the leading generals.

Q The prosecution now afterwards explains this word "group" in such a way as if there had been a closed group or organization of the military leaders. Was there ever any such organizational group ?

A No.

DR. KEMPNER: I object against this question. We never said

there was such an organization group.

MR. MC ILWRAITH: It is a perfectly proper question. Go ahead, Dr. Laternser.

DR. LATERNSER: In the past paragraph of Affidavit 1 in the first sentence you state the following, and I quote: "The composition of this group in the relationship of its members to each other is as shown on the attached chart." What do you mean by "in the relationship to each other" ?

THE WITNESS: By that I mean whether these officers were under equal authority or under the authority of other officers.

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Q In the affidavit No. 1 you state in the middle of the first page, I quote: "These officers exercise such supervision in their official capacity, and by virtue of their training with opposition in their mutual contacts." What so you mean by "mutual contacts". Were there any special relations?

A The same as is meant as in relationship to each other in the last paragraph. There were no other relations.

Q That is if you don't consider the comradeship contact?

A Those are matters of fact in every army.

Q The last paragraph in that affidavit you state, and I quote: "This was in effect the general staff, and high command of the German Army Forces," and from whom did this expression come "In effect the general staff"?

A This was the draft which was submitted to me by Captain Rapp.

Q But you left it in that affidavit. What was the meaning you gave this sentence, or this wording at the time when you signed it?

A The reason why I did not make any changes even though I did have the possibility was as follows: Now the words "General Staff" among others and as it is understood in the German Army is different than in the Allied Army, and in those armies where the commanding chief at the same time is chief of the General Staff, the General Staff is considered a group of leading commanding generals. In the German Army the General Staff is virtually a group of aids which work especially in the operational and organizational staff. I believe that in the American Army it is called the third office or the third echelon. In both cases, in other words, it entirely a different meaning, at "General Staff." I was especially entrusted in showing that this was a technical military leadership -- an actual militxary leadership, and that sofar as I know is designated as "General Staff" in the

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American Army. In order to prevent any misunderstanding between the German General Staff, it was a purely techinal aid group, and the American Military Army the General Staff is considered the actual military leadership. In order to prevent any such misunderstanding I consider the verdict of Captain Rapp the best. That is why I left it that way. I was in addition having the thought that this affidavit was to explain or to clarify these matters for the American Army.

Q In other words, you wanted to use the military terminology of the American Army forces in this case?

A Yes.

Q And you did not mean the words "General Staff" as in a German Staff?

A No.

Q Would you use the words, "General Staff" in this connection again?

A For a German reader, no, but for an American reader to whom it was given I would not have any hesitation whatsoever.

Q And if you knew that the results would be that the higher German General Leaders would have combined under this term "General Staff" and if this term used by you would be used mistakingly, would you use it again?

MR. McILWRAITH: What is the answer?

THE WITNESS: I can say this, on this occasion that the words "General Staff" was used by the opposition all during the entire war, and, therefore, could not have been brought about by my affidavit.

BY DR. LATERNSER:

Q The two affidavits, one and two, has the second one as being made by Fieldmarshall Brauchitsch are exactly in the same wording, word for word, with the exception of the last paragraph. Can you give me an explanation for this

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exact xxrdkin wording?

A I suppose that after a series of interrogations a draft of the results was laid before Fieldmarshall Brauchitsch and myself. Fieldmarshall Brauchitsch evidently objected to the wording in the last paragraph, and had something changed while I did not do that.

Q Did you talk to Fieldmarshall Brauchitsch concerning this last paragraph, and his objection to it?

A He told me after both he and I had signed it that he had objected to the term in effect of "General Staff" and that he had it changed. I answered him that the declaration of the American interrogating office was sufficient for me, that the term would be used correctly.

DR. LATERNSER: Mr President, can we now have a recess of ten minutes.

(Recess)

BY DR LATERNSER:

Q You said the following in affidavit No. 1, second paragraph:"Specialized military matters of responsibility of three branches of the armed forces subordinate the commander in chief of armed forces, that is to say, the Army, Navy and Air Forces?" You only mention Navy and Air Forces here. Weren't also the Einsatz Group and Einsatz Command, the SIPO and the SD under the command of military commanders?

A No.

Q The Quartermaster General Wagner told you that in his verbal conference with Heydrich they decided upon the ultimate plans of the so called Einsatz Group, and of their activity down to the last detail, including the mass exterminations?

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DR. KEMPNER: I object to the question because that has nothing to do with this affidavit. We are only concerned with this affidavit, and I submit his question should be stricken from the record.

DR. LATERNSER: The witness speaks only of subordinates here, only of the Army, Navy and Air Forces. The prosecution claims that the Einsatz group and the SD were under the command of the military in the military areas, and the defense does not agree with that, and, therefore, the witness should have a chance to give his statement on that.

MR. McILWRAITH: Where does the term "SD" come into this?

DR. LATERNSER: The witness talks as of the subordinates of the Army, Navy and Air Corps. Does that mean anything about the SD, if so, therefore, it is my duty to find out whether the affidavit is complete, and if the affidavit is correct that is what I want, but if that is out of this questioning than the statement is correct. However, if the SD was under the Army jurisdiction then the affidavit is not correct.

DR. KEMPNER: The defense counsel had ample opportunity to ask the witness about this and he did. We spent hours and hours with other generals on this topic, and the defense counsel was advised to adhere to this affidavit and do nothing else, and he talks right now about murder, whether the SD has murdered, and not about any question which had to do with the affidavit.

MR. McILWRAITH: Dr. Laternser, I don't think you may ask that question.

BY DR. LATERNSER:

Q Did you give all the units active in military field that designation, when you say that the Army, Navy and Air Corps were under the commander in

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chief of the armed forces?

A I believe so, yes.

Q It says in the affidavit No. 1 in the middle of the page, I quote: "Plans for military operations and so forth." How did you use the word "plans" in this connection?

A In the same sense as it is used in the German military language. One speaks of plan operations, the planning stage of it: it speaks of the attack plan, or plan of a regiment, or a battalion to attack, in that term I had spoken.

Q Did you yourself prepare, make or submit any plans for actual use, I mean plans of your own yourself?

A I got the order from my commander in chief, who in turn received his order from the OKW, or work out, or have worked out by their staff the leadership plan, or technical leadership plans, and at times worked on it myself.

Q When for the first time did you hear of the discussion of the 5th November 1937?

MR. McILWRAITH: But there is no mention of that in this affidavit.

DR. LATERNSER: I want to point out to you, Mr. Commissioner, on the first page at the bottom of it, the second to the last sentence, where it says the example of such meeting is of a speech by Hitler, or the commander in chief August 1939; that is one of the readings which the general announced, and among the same meetings is the one of 5 November 1937, of which the general are also accused, and which can very easily be brought within this line of questioning.

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MR. McILWRAITH: You can confine yourself to August 22, 1939.

BY DR. LATERNSER:

Q When did you hear of the plan which was announced to the commander in chief on 5 November 1937?

MR. McILWRAITH: You say now ask that question.

BY DR. LATERNSER:

Q I now refer to the middle of page 1 for this questioning, where they speak of plans for the military operations for the German Armed forces. The plan of which the general staff is also accused, and was submitted to the commander in chief on 5 November 1937?

MR. McILWRATTH: If you put the question in the form "What was the date of the plan for military operations referred to in the affidavit," you may ask it.

DR. LATERNSER:

Q Was that/the plan, or the plan which had as its basis the discussion of 5 November 1937?

A No.

Q Did your predecessor, Colonel General Beck, tell you when you took over x his position of any such meeting in November 1937?

DR. KEMPNER: We object again to this question. It has nothing to do with the affidavit. The affidavit speaks of plans in general, and not about any specific plans.

MR. McILWRAITH: The witness has stated that the plan announced by Hitler on 5 November 1937 was not one of the plans referred to in his affidavit, and therefore, no other question should be asked about 5th November 1937.

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BY DR. LATERNSER:

Q Do you know if there was a plan for occupation of Austria?

A I don't know of any plans for the occupation, but only a plan for a guarding of the German borders towards Austria.

Q Do you know of any further questions after the Sudeten question had been settled?

DR. KEMPNER: We object again to this continued line of asking questions which are not covered by the affidavit. The affidavit does not say anything about Austria, or about Czechoslovakia, and it was very clear and outstanding about the accusations announced, and in other countries, when we had five or six witnesses under duscussion the whole winter, and we did it in days and days and days. We agreed to the cross examination in these affidavits, which is a very strong topis, and we considered it in admissible in this stage of the Commissioner's hearing in opeing the avenue for cross examination for days and days of these qitnesses.

MR. McILRAITH: If you really want to find out what are the plans for military operations to which the witness refers, you must ask him. You must not frame your question to ask him whether he does or does not know of the various stands that xx you are making.

BY DR. LATERNSER:

Q What plans of military operations were available x after the Sedutan question had been settled?

A There were neither plans nor any preparation of them. In fact in December 1938 it was when the OKW sent out an xx order saying that all military planning had to cease, and that the Army having concerned itself with the training further of its troops.

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MR. McILWRAITH: Don't you think you have done enough with this affidavit now?

DR. LATERNSER: I can say that I will be finished very shortly.

Q Did you as commander in chief of the army make any steps in the year of 1939 in ~~xxxxx~~ order to warn Hitler of a possible war. I refer in this respect to the third paragraph of the affidavit number 1, page 1, the last part of that paragraph which states, "Which were to be undertaken by troops."

A I told my commander in chief repeatedly of my thoughts, or my ideas. I never had any talk with Hitler. These thoughts evidently were the result I would like to ~~say~~ say of a talk with Sir Henderson. The commander in chief of the army brought this to the attention of Hitler according to my request.

MR. RAPP: Mr. Commissioner, in that respect I would like to point out that this kind of questioning does not read entirely from the ~~xx~~ affidavit, and I would kindly ask you again to instruct the counsel to confine himself to the ~~xxxxx~~ subject matter.

MR. McILWRAITH: I don't see how this is connected up in any way with the affidavit, but perhaps you can explain it.

DR. LATERNSER: The "General Staff" is accused with a plan of carrying out plans, and the affidavit of the witness seemingly verifies this, that such plans were made and carried out. Now if I ask the witness whether he warned anybody of this proposed possible war, then this question is directly connected with this affidavit, because the possible answering of this question will show the opposite in this proof.

MR. MCILWRAITH: Well, I understand that, and we have heard the answer. Now continue with the next question.

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BY DR. LATERNSER:

Q How did your commander-in-chief of the army warn of the injury of neutrality of Belgium and Holland after you heard that Hitler wanted to start the war against the Western Powers through an attack against France?

A I pointed out my opposition to the commander-in-chief of the army and I believe that he went to Hitler with these objections the end of September 1939.

COMMISSIONER McILWRAITH: I think you are mistaken in thinking these answers are of importance. I agree that they are relevant but I don't think they are of any importance.

Q When, as Commander-in-Chief of the General Staff of the Army did you hear the first time of the proposed attack on Russia and when did you start with the planning or preparation?

DR. KEMPNER: I respectfully submit that this is outside the defined topic of this affidavit and the defined purpose of this examination whether this affidavit is correct or not.

COMMISSIONER McILWRAITH: Dr. Laternser, that question cannot be allowed. This affidavit is directed at showing the organization of the High Command.

DR. LATERNSER: The reason for this affidavit is not just to show the chart of the High Command but also to show its activity especially also the planning and preparation of wars. In the middle of the first page it states the sentence which I have already quoted: "They actually did prepare for any such operations as were to be undertaken." If I ask him, the at that time Chief of Staff of the Army, when he heard of the plan to attack Russia, then the answer to this question is right in the middle of this theme.

COMMISSIONER McILWRAITH: Well, let him give as brief an answer as possible.

A The first evidence of a possible military conflict I received the beginning of August 1940. First orders in the form of verbal decrees and orders I received,

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if I remember correctly, in September of 1940.

COMMISSIONER McILWRAITH: You were not asked that. Will you confine yourself to answering the question. You have answered the question. Now, Dr. Laternser, will you continue, and keep it shor?

BY DR. LATERNSER:

Q When did you start with the preparations. Did you have maps in the General Staff of the Army at that time.

A Not in August 1940. We started with the status the end of August and then, after the Order had been received, in September 1940.

Q Were there any objections against the preparation of this plan by you?

A When the Commanding Chief of the Army told me of this proposed attack for the first time I did object to it quite emphatically.

Q Did you bring out any objections later on during military meetings with Hitler?

A On the 3rd or 4th of February 1941 the military counter objections were submitted to Hitler.

Q When a military leader objected to a certain plan could he show his objection by retiring?

MR. RAPP: Mr. Commissioner, we would like to point out that this is not a school for tactical instructions. I believe that this question is entirely irrelevent, that the opinion of the individual is asked for, and that we should again try to confine ourselves to the affidavit.

COMMISSIONER McILWRAITH: I don't think that question is a relevant one, Dr. Laternser.

DR. LATERNSER: May I say a few words in this respect?

COMMISSIONER McILWRAITH: Yes, but please keep it short. You are wasting too much time.

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DR. LATERNSER: In his affidavit the witness has stated that there were plans being prepared and carried out. This statement has been used by the prosecution in the charge against the General Staff. When I asked the witness now whether a military commander could protest against such plans by resigning from his office I should like to have the opinion of the witness in this respect.

COMMISSIONER McILWRAITH: No doubt you would like to have a lot of things from this witness, Dr. Laternser, but the object of this procedure is for him to set down in an affidavit a few things on a particular subject and you must confine your cross-examination to what he has set down.

DR. LATNSER: In putting this question I should like to prove that on the contrary attempts were made at raising objections against the carrying out of such orders.

COMMISSIONER McILWRAITH: I don't know what you mean.

DR. LATERNSER: When I put this question I am trying to prove that it was impossible to protest against such plans by giving one's resignation.

COMMISSIONER McILWRAITH: That isn't one of the matters that this witness has been called to prove. Twenty-one defendants before the Tribunal have all said that they could not resign. This witness is here to give evidence only as set out in his affidavit. Will you please confine yourself to cross-examining on that affidavit.

BY DR. LATERNSER:

Q I have another question as regards affidavit No. 6. Witness, I should like to ask you the following question: In this statement you say that the Deputy Chief of the Leadership Corps of the Armed Forces was competent for the draft of strategic plans. I now ask you is that correct and did the position of the Deputy Chief of the Armed Forces exactly correspond to what you have stated here?

A May I first answer the second part of the question? The position of the Deputy Chief of the Leader Staff of the Armed Forces is in no proportion whatever to the other services mentioned in this statement. It is of much less importance. As regards strategic ~~plans~~ plans, I have used the word the "drafting" of strategic plans ("ausarbeitung.) The competent agency in this respect is the office which makes out the orders in detail and passes them on. As far as I can remember the drafts in most cases were made by Jodl himself, at least as long as I was in office.

DR. LATERNSER: I have no further questions.

COMMISSIONER McILWRAITH: Any re-examination?

RE-EXAMINATION

BY DR. KEMPNER:

Q Herr General Oberst, you know Captain Rapp, don't you?

A I have seen him several times.

Q Is he this genthlmen here in civilian clothes?

A Yes, I think so.

Q How many times had you conversations with him - approximately?

A I can't give any exact ~~m~~ number but I think it was three or four times.

Q These were long and friendly conversations, is that correct?

A Yes, long conversations.

Q Did these affidavits constitute the result of these conversations as regards the points mentioned in here?

A I suppose that they are partly the result of the conversations that I had with Captain Rapp.

Q Had you the opportunity of making any corrections in these affidavits?

A Yes.

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H1076-0055

Q You made use of this opportunity in Affidavit No. 1 for about four times, do your remember that?

A I can remember as regards the first drafts or at least the first draft that I made corrections in every line: if there were three or four dozen of lines it will probably be that there were more than four corrections.

Q And you have made x four corrections on the last one as I can see from the marginal remarks.

A I can't remember that.

Q May I ask you whether this is your signed ~~XXX~~ "H?"

(Document is shown to witness.)

A Yes it is.

Q Do ~~yx~~ you think that after all these corrections this affidavit is correct and you have maintained its correctness under oath? Is that so?

DR. LATERNSER: I object. It cannot yet be stated whether the result is correct. The witness must first be questioned in this respect. It was exactly the same case when I was interrupted when I asked with respect to a wrong chart?

DR. KEMPNER: I will reframe the question.

Q Is the affidavit which you gave at that time correct, or is it not?

A Together with corrections and explanations which I gave to Captain Rapp I maintain the correctness but without them it leads certainly to a misunderstanding.

COMMISSIONER McILWRAITH: Are you talking about the chart or the affidavit?

A In particular about the chart.

DR. KEMPNER: I had not asked you about the ~~xhartx~~ chart. I ask you if Affidavit No. 1 is correct?

A I cannot separate the chart x from the affidavit as it constitutes a part of the affidavit.

COMMISSIONER McILWRAITH: I think you can separate them. The chart is

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referred to only in the last three lines of the affidavit.

A The text refers to the chart several times.

MR. RAPP: Mr. Commissioner, direct reference to the "attached chart" is made in the last line of the affidavit.

COMMISSIONER McILWRAITH: Is not that the only reference?

MR. RAPP: Yes.

COMMISSIONER McILWRAITH: Well now, witness, will you answer the question whether the affidavit, apart from the chart, is correct or not?

A In so far as it does not refer to the chart I think it is correct.

DR. KEMPNER: Do you know that only the last paragraph refers to the chart which is attached?

COMMISSIONER McILWRAITH: Surely we have finished with this subject now.

BY DR. KEMPNER:

Q Now something else. We read in the last pragraph of the affidavit: "This was, in effect, the General Staff and High Commend of the German Armed Forces." Do you remember that it was at your initiative that the words "in effect" were put before the words "the General Staff and High Command?"

A I can't remember exactly. It may be the words "in effect" replaced another word at my initiative but I can't remember exactly.

Q Or that there was nothing at all replaced by the words "in effect?"

A I can't remember. Anyway, if I put these words in it was my intention to clarify the sentence.

Q Now we come to the chart. This chart has never been used as such but only in connection with the affidavit. That is why I ask you if the following statement in your affidavit is correct and I quote: "The composition of this group and the relationship of its members to each other were as shown in the attached chart." Is that correct?

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A I have already said that the relationship of its members to each other cannot be understood from this chart and from the lines of this chart without any further explanation.

Q But together with these explanations it is correct, isn't it?

A I have never laid down the explanations which I gave to Captain Rapp at that time so that I cannot remember them exactly right now.

COMMISSIONER McILRAITH: But you weren't asked that. You were asked a question which you answered about an hour ago---"Without further explanation is this chart correct" and your answere was "No" and I presume it is still the same?

A Yes.

DR. KEMPNER: That is all.

COMMISSIONER McILRAITH: The witness may retire.

(The Commission adjourned at 1645 hours.)

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Mr Calvocoressi

H1076-0058

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 July 1946.

(THE COMMISSION CONVENED AT 1400 HOURS.)

COMMISSIONER:

Mr. I. D. McILWRAITH.

THE O.K.W.

GENERAL FRANZ HALDER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

Dr. Laternser, have you a copy of the affidavit ?

Dr. LATERNSER: I need the affidavits during my interrogation as I want to show the witness the affidavits at the time.

MR. MCILWRAITH: Very well.

DIRECT EXAMINATION.

BY DR. LATERNSER:

Q When were you born?

A June 30, 1884.

Q What was your last rank ?

A Colonel General.

Q What position did you hold in the German army - that is during the last part of your activities ?

DR. KEMPNER: I object very strongly to this line of examination. It was understood very clearly and was repeated at leant fifty times in this commission and in the court room that the cross examination be limited to the affidavit. We know what kind of jobs General Halder had, we are here for the purpose of examining the affidavit, seeing whether it is right or not, or whether he perjured himself. That is the only issue at stake here.

DR. LATERNSER: I believe that I can ask a few questions before the actual interrogation. I believe that I am acting the same as the prosecution has acted when it was the cross examining body. My idea can be best proved by checking through the transcripts.

DR. KEMPNER: We have never had this kind of an interrogation on this sort of an affidavit. The defense counsel is entirely mistaken.

COMMISSIONER MCILWRAITH: I approve of the questioning lasting no longer than a few moments to establish the aims of the witness and his qualifications, but for only a few moments.

BY DR. LATERNSER

Q What was your last position ?

A The chief of the General Staff of the Army.

Q Since when were you arrested ?

A Since July 25, 1944.

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Q You were in a concentration camp ?

A Several.

Q Also your family ?

A Yes.

MR. MCILWRAITH: Dr. Laterner, will you put the affidavit to him ? We have heard all of this we need.

DR. LATERNSER: One further personal question.

Why were you in a concentration camp ?

THE WITNESS: Because of my opposition to Hitler.

BY DR. LATERNSER:

Q General, you made two affidavits; one affidavit No.1 USA Exhibit 531 and Affidavit No. 6. USA Exhibit 537. I would like to ask who composed these declarations.

A These affidavits were composed by an American interrogation officer. I believe his name was Captain Rapp. I had the chance to change the text.

Q Did you make many changes ?

A Yes, I remember correctly there were two or maybe three drafts. Each draft always had the previous changes in it.

Q Were these drafts, which were read before you, understandable or not ?

A The first draft were grammatically German and hardly understandable.

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DR. KEMPNER: I object to this line of questioning. These so-called drafts are not in evidence. We cannot see them and we cannot ask someone about these drafts, which are not available.

MR. MCILWRAITH: Dr. Laternser, what is the object of these questions ?

DR. LATERNSER: I want to show by this interrogation that it is important how this affidavit was composed. These questions are absolutely important, especially since these affidavits are part of the indictment of the prosecution against the circle of accused persons.

MR. MCILWRAITH: It is for me to say whether the questions are important or not. I do not understand what the implications of the questions might be. Will you come to the point at once and ask him what you want to ask him.

DR. LATERNSER: Were you told by the Interrogating officer for what reason these documents were asked of you ?

THE WITNESS: No.

BY DR. LATERNSER:

Q At the time you made this affidavit, did you realize for what it would be used ?

A No.

Q Did you then realize for what it was to be used ?

A I thought that they were made to clear the various facts.

Q There is a sketch on this affidavit, No. 1. Did you point out that this sketch was not correct ?

A I told the interrogator that through these connecting lines, it

H1076-0062

is possible that wrong connections could be drawn from this chart, especially since the matter of subordination was virtually not understandable from this sketch.

Q What were you told after this objection of yours was made ?

A I was told that there was no misunderstanding, since the matter of subordination was known and that this manner of drawing a sketch was the usual manner used in the American Army.

Q Colonel General, I ask you to look at this sketch and tell the court what is wrong with it ?

DR. KEMPNER: The defense counsel is suggesting that the witness has said something is wrong with the sketch. The witness said very clearly in German and also the translation in English stated that there are certain lines which could be misunderstood. I object to the questioning along the line that the witness has said that something in the Sketch is wrong.

MR.MCILWRAITH: Will you amend your question, Dr. Laternser, and ask the witness what it is that is not understandable ?

DR. LATERNSER: I think the question which I put is acceptable.

Mr.MCILWRAITH: I have told you to amend it.

Dr. LATERNSER: Colonel General, would you please tell me then what is not quite correct or could be misunderstood in this sketch ?

DR. KEMPNER: I am sorry to have to object continously.

Mr. MCILWRAITH: I am sorry you are doing it too.

Dr. KEMPNER: I have to object in order to clarify the procedure. The court ordered that the defense counsel put the question and the defense counsel did not put the question the way that the order was

was given by the court. The defense counsel said "what was misunderstood" and the witness said "could be misunderstood". This is a big difference.

MR.MCILWRAITH: Witness, will you answer the question put by Dr. Laternser. What could be misunderstood in this sketch ?

The WITNESS: It could be misunderstood by the connecting lines between Hitler and Keitel and the same applies to the lines between Keitel, Raeder, Goering and Brauchitsch. For another example, the lines between Field Marshall Brauchitsch and me, then again the lines between myself and the various commanders in chief of the army groups. Even though the lines are always the same, the matter of subordination is always difference. For instance, Brauchitsch, Raeder and Goering were never under Keitel just like all the commanders in chief of the army groups were never under me, but rather the Commander in Chief of the army, Von Brauchitsch. In other words, relations varied as shown in the sketch by similar lines and that could be misunderstood.

H1076-0063

BY DR. LATERNSER:

Q General, if you were a military authority that was not informed of the actual facts within this group or command, what would you think if this chart was presented to you ? Would you think in the first place that this was the sketch of the chain of command within the forces ?

A If I looked at this from the German point of view, then this sketch would tell that these people are subordinated to each other in the relationship of the positions on the sketch according to the lines. I was told, when I pointed out this fact to the interrogating

H1076-0064

officer, that the manner of subordination was not what were concerned with but the manner of doing things in the German army.

MR.MCILRAITH: You have already said this. Did you initial this sketch after your objections ?

THE WITNESS: I was assured bu the interrogation officer that there could be no such misunderstanding since the chain of command was already quite well known.

MR. MCILRAITH: That is the third time you have said that, but you have not yet answered my question.

THE WITNESS: After the declaration of the American officer, I signed the sketch.

DR. LATERNSER: In other words on this sketch should be shown, even though it is not marked on it, the channels within this organization.

THE WITNESS: The word "channel" was used at that time.

BY DR. LATERNSER:

Q I would like to ask you once again to look on the left side of this drawing. Would you look and tell me if it is correct that be orders went from the Commander in Chief of the Army over to the Chief of the General Staff. You then could examine them and independantly pass on these orders to the Commanders in Chief of the army groups ?

A No, the commander in chief of the army used the offices of the General Staff and then the orders went to the field army. This office issued his orders.

Q If the office of the chief of the General Staff was only

to pass on this information, then this sketch, even though it is only supposed to show the channels of order, should not show the office of the Chief of the General Staff.

A Not as an independent office like the office of the Commander in Chief of the Army.

Q In other words, the chain of orders was that the orders went from the Commander in Chief of the Army directly to the commanders in chief of the army groups ?

A The Commander in Chief of the army and his staff. This group was called by us the OKH - the high command of the army and from that office the channel went down directly to the commanders in chief of the army groups.

Q The channel orders is also not correct in this sketch in other words ?

A The commander in chief of the army informed me of his decisions and I and my staff had to work them out, therefore, there actually was such a channel as is designated on the drawing.

Q But, you in your position as chief of the general staff did not pass on these orders, they were handed to you by the Commander in Chief of the Army.

A No, OKH, the high command of the army.

MR. MCILRAITH: You have cleared this up sufficiently, Dr. Latternser, your point is quite clear.

DR. LATTERNSER: I will finish pretty soon, Sir. I have two or three more questions in this connection and will come to my final point.

H1076-0065

Don't you think it would have been better if the commander in chief of the army and chief of the general staff of the army would have been put into one box. For instance, if the commander in chief of the army would have been put on the left six of this box and the office of the commander in chief of the army on the right side of the box and one line should have gone down thru the entire box and named the OKH - the high command of the army ?

THE WITNESS:

This question was considered and I even spoke about it to Captain Rapp, but I did not want this form of sketch because it also is not correct. The chief of the general staff of the army is only one person and he together with the commanders in chief of the armies forms the OKW - the high command of the army.

H1076-0066

BY DR. LATERNSER:

Q Then the right box should have been divided again and one of the parts should have been given to the chief of the general staff of the army.

A I think that would have been out of the frame-work of the sketch that was wanted. It would not have been the correct sketch and I gave to Captain Rapp at that time two sketches of the OKW, which I made up to the best of my ability and which exactly showed the functions of the OKH. - the high command of the army. He had all of that material.

Q Colonel General, you admit that this drawing, even though it is only supposed to show the channel of orders, could be misunderstood ?

A Yes.

Q I ask you now is this drawing not quite correct, as it is only

supposed to show the chain of command ?

A Without the verbal explanation, it does not give quite a clear picture.

Q To a military observer, what would this sketch mean to show beside the chain of command and the business channels ?

A The matter of subordination.

Q That would have been the chain of command, nothing else ?

A I can hardly imagine anything else.

Q If, as you state, this sketch is not quite correct in showing the chain of command, you also stated yourself that the sketch is not quite correct in showing the business channels and if you state that there is nothing else you can drew from this sketch, then one would say that the sketch itself is not correct ?

A I think that it could be right in connection with the verbal explanations which were given at that time.

Q But, it would not be correct if the verbal explanations were not attached to this sketch ?

A The sketch was correct with the verbal explanations, which I gave to the interrogating officer. What use be made of this, I do not know and I did not know if he treated it with or without the attached explanations.

MR.MC ILWRAITH: You have not answered the question as yet. You have stated that the sketch is correct with the verbal explanation. Does it follow that it is incorrect without the verbal explanations ? That was the question.

THE WITNESS: Yes, it might lead to misunderstanding with the verbal explanations.

H1076-0067

BY DR. LATERNSER:

Q General, would you draw the sketch like this again.

A If it would not just be for the information of the interrogating officer and if it would be used without my explanation, then I would not.

Q That will be all for this point.

MR.MC ILWRAITH: Is that all the questioning you desire of this witness ?

DR.LATERNSER: No, only on this point.

Mr.Mc ILWRAITH: Do you prefer to have cross examination on this point or to have all the questions finished ?

DR. KEMPNER: I think it would be a good idea if I could re-cross examine on this one point.

MR.MC ILWRAITH: Very well, go ahead.

DR. LATERNSER: Mr. Commissioner, I ask you not do deviate from the procedure which was used up to now and that is that the cross examination be made and closed in one complete examination.

MR.MC ILWRAITH: Dr. Laternser, you invited me to let the prosecution re-examine because you finished with that point. I asked if that was all the questions you had to ask and you said only on that point. If you wish to continue to cross examine the witness on other points, do so, but don't interrupt yourself.

DR. LATERNSER: I would like to say that I don't want the value of this cross examination made any smaller by questions in between by the prosecution and I would like to insist that the rules we have followed up to now be followed.

MR. MC ILWRAITH: It is you who are interrupting yourself continuously.

DR. LATERNSER: I will recall this question. I recall the statement concerning this point.

DR. KEMPNER: I do not want to ask any questions, i only want to make a statement on behalf of the United States.

MR. MC ILRAITH: This is not the time to do it. Now Dr. Laternser says he wants to go straight on.

BY DR. LATERNSER:

Q In your Affidavit No. 1, you use the words "group" four times. Does this expression "group" come from you ?

A No, it was contained in a text and the text was changed several times and I left it in the text.

Q Did you usw this word "group" in a similar connection previously - that you regarded the military leaders as a group.

A No.

Q What was the sense, the meaning, which you gave this word at the time you signed the statement ?

A I did not have any thoughts about this word group. It was just another way of saying number.

Q Did you mean several Generals or did you mean a specific group of generals, which were connected closely for a specific reason ?

A The number of generals who may be designated as the leading generals.

Q The prosecution now afterwards explains this word "group" in such a way as if there had been a closed group or organization of the military leaders. Was there ever any such organizational group ?

A No.

DR. KEMPNER: I object against this question. We never said

there was such an organization group.

MR. MC ILWRAITH: It is a perfectly proper question. Go ahead, Dr. Laternser.

DR. LATERNSER: In the past paragraph of Affidavit 1 in the first sentence you state the following, and I quote: "The composition of this group in the relationship of its members to each other is as shown on the attached chart." What do you mean by "in the relationship to each other" ?

THE WITNESS: By that I mean whether these officers were under equal authority or under the authority of other officers.

H1076-0070

H1076-0071

Q In the affidavit No. 1 you state in the middle of the first page, I quote: "These officers exercise such supervision in their official capacity, and by virtue of their training with opposition in their mutual contacts." What so you mean by "mutual contacts". Were there any special relations?

A The same as is meant as in relationship to each other in the last paragraph. There were no other relations.

Q That is if you don't consider the comradeship contact?

A Those are matters of fact in every army.

Q The last paragraph in that affidavit you state, and I quote: "This was in effect the general staff, and high command of the German Army Forces," and from whom did this expression come "In effect the general staff"?

A This was the draft which was submitted to me by Captain Rapp.

Q But you left it in that affidavit. What was the meaning you gave this sentence, or this wording at the time when you signed it?

A The reason why I did not make any changes even though I did have the possibility was as follows: Now the words "General Staff" among others and as it is understood in the German Army is different than in the Allied Army, and in those armies where the commanding chief at the same time is chief of the General Staff, the General Staff is considered a group of leading commanding generals. In the German Army the General Staff is virtually a group of aids which work especially in the operational and organizational staff. I believe that in the American Army it is called the third office or the third echelon. In both cases, in other words, it entirely a different meaning, at "General Staff." I was especially entrusted in showing that this was a technical military leadership -- an actual militzary leadership, and that sofar as I know is designated as "General Staff" in the

H1076-0072

American Army. In order to prevent any misunderstanding between the German General Staff, it was a purely techinal aid group, and the American Military Army the General Staff is considered the actual military leadership. In order to prevent any such misunderstanding I consider the werdict of Captain Rapp the best. That is why I left it that way. I was in addition having the thought that this affidavit was to explain or to clarify these matters for the American Army.

Q In other words, you wanted to use the military terminology of the American Army forces in this case?

A Yes.

Q And you did not mean the words "General Staff" as in a German Staff?

A No.

Q Would you use the words, "General Staff" in this connection again?

A For a German reader, no, but for an American reader to whom it was given I would not have any hesitation whatsoever.

Q And if you knew that the results would be that the higher German General Leaders would have combined under this term "General Staff" and if this term used by you would be used mistakingly, would you use it again?

MR. McILWRAITH: What is the answer?

THE WITNESS: I can say this, on this occasion that the words "General Staff" was used by the opposition all during the entire war, and, therefore, could not have been brought about by my affidavit.

BY DR. LATERNSER:

Q The two affidavits, one and two, has the second one as being made by Fieldmarshall Brauchitsch are exactly in the same wording, word for word, with the exception of the last paragraph. Can you give me an explanation for this

H1076-0073

exact ~~wording~~ wording?

A I suppose that after a series of interrogations a draft of the results was laid before Fieldmarshall Brauchitsch and myself. Fieldmarshall Brauchitsch evidently objected to the wording in the last paragraph, and had something changed while I did not do that.

Q Did you talk to Fieldmarshall Brauchitsch concerning this last paragraph, and his objection to it?

A He told me after both he and I had signed it that he had objected to the term in effect of "General Staff" and that he had it changed. I answered him that the declaration of the American interrogating officer was sufficient for me, that the term would be used correctly.

DR. LATERNSER: Mr President, can we now have a recess of ten minutes.

(Recess)

BY DR LATERNSER:

Q You said the following in affidavit No. 1, second paragraph:"Specialized military matters of responsibility of three branches of the armed forces subordinate the commander in chief of armed forces, that is to say, the Army, Navy and Air Forces?" You only mention Navy and Air Forces here. Weren't also the Einsatz Group and Einsatz Command, the SIPO and the SD under the command of military commanders?

A No.

Q The Quartermaster General Wagner told you that in his verbal conference with Heydrich they decided upon the ultimate plans of the so called Einsatz Group, and of their activity down to the last detail, including the mass exterminations?

H1076-0074

DR. KEMPNER: I object to the question because that has nothing to do with this affidavit. We are only concerned with this affidavit, and I submit his question should be stricken from the record.

DR. LATERNSER: The witness speaks only of subordinates here, only of the Army, Navy and Air Forces. The prosecution claims that the Einsatz group and the SD were under the command of the military in the military areas, and the defense does not agree with that, and, therefore, the witness should have a chance to give his statement on that.

MR. McILWRAITH: Where does the term "SD" come into this?

DR. LATERNSER: The witness talks as of the subordinates of the Army, Navy and Air Corps. Does that mean anything about the SD, if so, therefore, it is my duty to find out whether the affidavit is complete, and if the affidavit is correct that is what I want, but if that is out of this questioning than the statement is correct. However, if the SD was under the Army jurisdiction then the affidavit is not correct.

DR. KEMPNER: The defense counsel had ample opportunity to ask the witness about this and he did. We spent hours and hours with other generals on this topic, and the defense counsel was advised to adhere to this affidavit and do nothing else, and he talks right now about murder, whether the SD has murdered, and not about any question which had to do with the affidavit.

MR. McILWRAITH: Dr. Laternser, I don't think you may ask that question.

BY DR. LATERNSER:

Q Did you give all the units active in military field that designation, when you say that the Army, Navy and Air Corps were under the commander in

H1076-0075

chief of the armed forces?

A I believe so, yes.

Q It says in the affidavit No. 1 in the middle of the page, I quote: "Plans for military operations and so forth." How did you use the word "plans" in this connection?

A In the same sense as it is used in the German military language. One speaks of plan operations, the planning stage of it: it speaks of the attack plan, or plan of a regiment, or a battalion to attack, in that term I had spoken.

Q Did you yourself prepare, make or submit any plans for actual use, I mean plans of your own yourself?

A I got the order from my commander in chief, who in turn recrived his order from the OKW, or work out, or have worked out by their staff the leadership plan, or technical leadership plans, and at times worked on it myself.

Q When for the first time did you hear of the discussion of the 5th November 1937?

MR. McILWRAITH: But there is no mention of that in this affidavit.

DR. LATERNSER: I want to point out to you, Mr. Commissioner, on the first page at the bottom of it, the second to the last sentence, where it says the example of such meeting is of a speech by Hitler, or the commander in chief August 1939; that is one of the readings which the general announced, and amoung the same meetings is the one of 5 November 1937, of which the general are also accused, and which can very easily be brought within this line of questioning.

H1076-0076

MR. McILWRAITH: You can confine yourself to August 22, 1939.

BY DR. LATERNSER:

Q When did you hear of the plan which was announced to the commander in chief on 5 November 1937?

MR. McILWRAITH: You say now ask that question.

BY DR. LATERNSER:

Q I now refer to the middle of page 1 for this questioning, where they speak of plans for the military operations for the German Armed forces. The plan of which the general staff is also accused, and was submitted to the commander in chief on 5 November 1937?

MR. McILWRATTH: If you put the question in the form "What was the date of the plan for military operations referred to in the affidavit," you may ask it.

DR. LATERNSER:

Q Was that/the plan, or the plan which had as its basis the discussion of 5 November 1937?

A No.

Q Did your predecessor, Colonel General Beck, tell you when you took over t his position of any such meeting in November 1937?

DR. KEMPNER: We object again to this question. It has nothing to do with the affidavit. The affidavit speaks of plans in general, and not about any specific plans.

MR. McILWRAITH: The witness has stated that the plan announced by Hitler on 5 November 1937 was not one of the plans referred to in his affidavit, and therefore, no other question should be asked about 5th November 1937.

H1076-0077

BY DR. LATERNSER:

Q Do you know if there was a plan for occupation of Austria?

A I don't know of any plans for the occupation, but only a plan for a guarding of the German borders towards Austria.

Q Do you know of any further questions after the Sudetan question had been settled?

DR. KEMPNER: We object again to this continued line of asking questions which are not covered by the affidavit. The affidavit does not say anything about Austria, or about Czechoslovakia, and it was very clear and outstanding about the accusations announced, and in other countries, when we had five or six witnesses under duscussioh the whole winter, and we did it in days and days and days. We agreed to the cross examination in these affidavits, which is a very strong topis, and we considered it in admissible in this stage of the Commissioner's hearing in opeing the avenue for cross examination for days and days of these qitnesses.

MR. McILWRAITH: If you really want to find out what are the plans for military operations to which the witness refers, you must ask him. You must not frame your question to ask him whether he does or does not know of the various stands that xx you are making.

BY DR. LATERNSER:

Q What plans of military operations were available x after the Sedutan question had been settled?

A There were neither plans nor any preparation of them. In fact in December 1938 it was when the OKW sent out an xx order saying that all military planning had to cease, and that the Army having concerned itself with the training further of its troops.

H1076-0078

MR. McILWRAITH: Don't you think you have done enough with this affidavit now?

DR. LATERNSER: I can say that I will be finished very shortly.

Q Did you as commander in chief of the army make any steps in the year of 1939 in order to warn Hitler of a possible war. I refer in this respect to the third paragraph of the affidavit number 1, page 1, the last part of that paragraph which states, "Which were to be undertaken by troops."

A I told my commander in chief repeatedly of my thoughts, or my ideas. I never had any talk with Hitler. These thoughts evidently were the result I would like to say of a talk with Sir Henderson. The commander in chief of the army brought this to the attention of Hitler according to my request.

MR. RAPP: Mr. Commissioner, in that respect I would like to point out that this kind of questioning does not read entirely from the affidavit, and I would kindly ask you again to instruct the counsel to confine himself to the subject matter.

MR. McILWRAITH: I don't see how this is connected up in any way with the affidavit, but perhaps you can explain it.

DR. LATERNSER: The "General Staff" is accused with a plan of carrying out plans, and the affidavit of the witness seemingly verifies this, that such plans were made and carried out. Now if I ask the witness whether he warned anybody of this proposed possible war, then this question is directly connected with this affidavit, because the possible answering of this question will show the opposite in this proof.

MR. MCILWRAITH: Well, I understand that, and we have heard the answer. Now continue with the next question.

H1076-0079

BY DR. LATERNSER:

Q How did your commander-in-chief of the army warn of the injury of neutrality of Belgium and Holland after you heard that Hitler wanted to start the war against the Western Powers through an attack against France?

A I pointed out my opposition to the commander-in-chief of the army and I believe that he went to Hitler with these objections the end of September 1939.

COMMISSIONER McILWRAITH: I think you are mistaken in thinking these answers are of importance. I agree that they are relevant but I don't think they are of any importance.

Q When, as Commander-in-Chief of the General Staff of the Army did you hear the first time of the proposed attack on Russia and when did you start with the planning or preparation?

DR. KEMPNER: I respectfully submit that this is outside the defined topic of this affidavit and the defined purpose of this examination whether this affidavit is correct or not.

COMMISSIONER McILWRAITH: Dr. Laternser, that question cannot be allowed. This affidavit is directed at showing the organization of the High Command.

DR. LATERNSER: The reason for this affidavit is not just to show the chart of the High Command but also to show its activity especially also the planning and preparation of wars. In the middle of the first page it states the sentence which I have already quoted: "They actually did prepare for any such operations as were to be undertaken." If I ask him, the at that time Chief of Staff of the Army, when he heard of the plan to attack Russia, then the answer to this question is right in the middle of this theme.

COMMISSIONER McILWRAITH: Well, let him give as brief an answer as possible.

A The first evidence of a possible military conflict I received the beginning of August 1940. First orders in the form of verbal decrees and orders I received,

H1076-0080

if I remember correctly, in September of 1940.

COMMISSIONER McILWRAITH: You were not asked that. Will you confine yourself to answering the question. You have answered the question. Now. Dr. Laternser, will you continue, and keep it shor?

BY DR. LATERNSER:

Q When did you start with the preparations. Did you have maps in the General Staff of the Army at that time.

A Not in August 1940. We started with the status the end of August and then, after the Order had been received, in September 1940.

Q Were there any objections against the preparation of this plan by you?

A When the Commanding Chief of the Army told me of this proposed attack for the first time I did object to it quite emphatically.

Q Did you bring out any objections later on during military meetings with Hitler?

A On the 3rd or 4th of February 1941 the military counter objections were submitted to Hitler.

Q When a military leader objected to a certain plan could he show his objection by retiring?

MR. RAPP: Mr. Commissioner, we would like to point out that this is not a school for tactical instructions. I believe that this question is entirely irrelevant, that the opinion of the individual is asked for, and that we should again try to confine ourselves to the affidavit.

COMMISSIONER McILWRAITH: I don't think that question is a relevant one, Dr. Laternser.

DR. LATERNSER: May I say a few words in this respect?

COMMISSIONER McILWRAITH: Yes, but please keep it short. You are wasting too much time.

H1076-0081

DR. LATERNSER: In his affidavit the witness has stated that there were plans being prepared and carried out. This statement has been used by the prosecution in the charge against the General Staff. When I asked the witness now whether a military commander could protest against such plans by resigning from his office I should like to have the opinion of the witness in this respect.

COMMISSIONER McILWRAITH: No doubt you would like to have a lot of things from this witness, Dr. Laternser, but the object of this procedure is for him to set down in an affidavit a few things on a particular subject and you must confine your cross-examination to what he has set down.

DR. LATNSER: In putting this question I should like to prove that on the contrary attempts were made at raising objections against the carrying out of such orders.

COMMISSIONER McILWRAITH: I don't know what you mean.

DR. LATERNSER: When I put this question I am trying to prove that it was impossible to protest against such plans by giving one's resignation.

COMMISSIONER McILWRAITH: That isn't one of the matters that this witness has been called to prove. Twenty-one defendants before the Tribunal have all said that they could not resign. This witness is here to give evidence only as set out in his affidavit. Will you please confine yourself to cross-examining on that affidavit.

BY DR. LATERNSER:

Q I have another question as regards affidavit No. 6. Witness, I should like to ask you the following question: In this statement you say that the Deputy Chief of the Leadership Corps of the Armed Forces was competent for the draft of strategic plans. I now ask you is that correct and did the position of the Deputy Chief of the Armed Forces exactly correspond to what you have stated here?

A May I first answer the second part of the question? The position of the Deputy Chief of the Leader Staff of the Armed Forces is in no proportion whatever to the other services mentioned in this statement. It is of much less importance. As regards strategic plans, I have used the word the "drafting" of strategic plans ("ausarbeitung.) The competent agency in this respect is the office which makes out the orders in detail and passes them on. As far as I can remember the drafts in most cases were made by Jodl himself, at least as long as I was in office.

DR. LATERNSER: I have no further questions.

COMMISSIONER McILWRAITH: Any re-examination?

RE-EXAMINATION

BY DR. KEMPNER:

Q Herr General Oberst, you know Captain Rapp, don't you?

A I have seen him several times.

Q Is he this genthlmen here in civilian clothes?

A Yes, I think so.

Q How many times had you conversations with him - approximately?

A I can't give any exact number but I think it was three or four times.

Q These were long and friendly conversations, is that correct?

A Yes, long conversations.

Q Did these affidavits constitute the result of these conversations as regards the points mentioned in here?

A I suppose that they are partly the result of the conversations that I had with Captain Rapp.

Q Had you the opportunity of making any corrections in these affidavits?

A Yes.

H1076-0082

H1076-0083

Q You made use of this opportunity in Affidavit No. 1 for about four times, do your remember that?

A I can remember as regards the first drafts or at least the first draft that I made corrections in every line: if there were three or four dozen of lines it will probably be that there were more than four corrections.

Q And you have made x four corrections on the last one as I can see from the marginal remarks.

A I can't remember that.

Q May I ask you whether this is your signed ~~XXX~~ "H?"

(Document is shown to witness.)

A Yes it is.

Q Do ~~you~~ you think that after all these corrections this affidavit is correct and you have maintained its correctness under oath? Is that so?

DR. LATERNSER: I object. It cannot yet be stated whether the result is correct. The witness must first be questioned in this respect. It was exactly the same case when I was interrupted when I asked with respect to a wrong chart?

DR. KEMPNER: I will reframe the question.

Q Is the affidavit which you gave at that time correct, or is it not?

A Together with corrections and explanations which I gave to Captain Rapp I maintain the correctness but without them it leads certainly to a misunderstanding.

COMMISSIONER McILWRAITH: Are you talking about the chart or the affidavit?

A In particular about the chart.

DR. KEMPNER: I had not asked you about the ~~chart~~ chart. I ask you if Affidavit No. 1 is correct?

A I cannot separate the chart x from the affidavit as it constitutes a part of the affidavit.

COMMISSIONER McILWRAITH: I think you can separate them. The chart is

H1076-0084

referred to only in the last three lines of the affidavit.

A The text refers to the chart several times.

MR. RAPP: Mr. Commissioner, direct reference to the "attached chart" is made in the last line of the affidavit.

COMMISSIONER McILWRAITH: Is not that the only reference?

MR. RAPP: Yes.

COMMISSIONER McILWRAITH: Well now, witness, will you answer the question whether the affidavit, apart from the chart, is correct or not?

A In so far as it does not refer to the chart I think it is correct.

DR. KEMPNER: Do you know that only the last paragraph refers to the chart which is attached?

COMMISSIONER McILWRAITH: Surely we have finished with this subject now.

BY DR. KEMPNER:

Q Now something else. We read in the last pragraph of the affidavit: "This was, in effect, the General Staff and High Command of the German Armed Forces." Do you remember that it was at your initiative that the words "in effect" were put before the words "the General Staff and High Command?"

A I can't remember exactly. It may be the words "in effect" replaced another word at my initiative but I can't remember exactly.

Q Or that there was nothing at all replaced by the words "in effect?"

A I can't remember. Anyway, if I put these words in it was my intention to clarify the sentence.

Q Now we come to the chart. This chart has never been used as such but only in connection with the affidavit. That is why I ask you if the following statement in your affidavit is correct and I quote: "The composition of this group and the relationship of its members to each other were as shown in the attached chart." Is that correct?

H1076-0085

A I have already said that the relationship of its members to each other cannot be understood from this chart and from the lines of this chart without any further explanation.

Q But together with these explanations it is correct, isn't it?

A I have never laid down the explanations which I gave to Captain Rapp at that time so that I cannot remember them exactly right now.

COMMISSIONER McILWRAITH: But you weren't asked that. You were asked a question which you answered about an hour ago---"Without further explanation is this chart correct" and your answere was "No" and I presume it is still the same?

A Yes.

DR. KEMPNER: That is all.

COMMISSIONER McILWRAITH: The witness may retire.

(The Commission adjourned at 1645 hours.)

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H1076-0086

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 July 1946.

(THE COMMISSION CONVENED AT 1400 HOURS)

COMMISSIONER:

Mr. I. D. McIlwraith.

THE O.K.W.

GENERAL FRANZ HALDER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise you right hand and repeat this oath after me:

I swear by God, the Almight and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE COMMISSIONER: You may be seated.

Dr. Laternser, have you a copy of the affidavit?

DR. LATERNSER: I need the affidavits during my interrogation as I want to show the witness the affidavits at the time.

MR. MCILWRAITH: Very well.

CROSS EXAMINATION

BY DR. LATERNSER:

Q. When were you born?

A. June 30, 1884

Q. What was your last rank?

A. Colonel General.

Q. What position did you hold in the German army -- that is during the last part of your activities?

DR. KEMPNER: I object very strongly to this line of examination. It was understood very clearly and was repeated at least fifty times in this commissi and in the court room that the cross examination be limited to the affidavit.

H1076-0087

We know what kind of jobs General Halder had, we are here for the purpose of examining the affidavit, seeing whether it is right or not, or whether he perjured himself. That is the only issue at stake here.

DR. LATERNSER: I believe that I can ask a few questions before the actual interrogation. I believe that I am acting the same as the prosecution has acted when it was the cross-examining body. My idea can be best proved by checking through the transcripts.

DR. KEMPNER: We have never had this kind of an interrogation on this sort of an affidavit. The defense counsel is entirely mistaken.

MR. MCILWRAITH: I approve of questioning lasting no longer than a few moments to establish the age of the witness and his qualifications, but only for a few moments.

BY DR. LATERNSER:

Q. What was your last position?

A. The chief of the General Staff of the Army.

Q. Since when were you arrested?

A. Since July 25, 1944.

Q. You were in a concentration camp?

A. Several.

Q. Also your family?

A Yes.

MR. MCILWRAITH: Dr. Laternser, will you put the affidavit to him? We have heard all of this we need.

DR. LATERNSER: One further personal question.

Why were you in a concentration camp?

THE WITNESS: Because of my opposition to Hitler.

BY DR. LATERNSER:

Q. General, you made two affidavits; one affidavit No. 1. USA Exhibit 531 and Affidavit No. 6, USA Exhibit 537. I would like to ask why composed these declarations.

A. These affidavits were composed by an American interrogation officer. I believe his name was Captain Rapp. I had the chance to change the text.

H1076-0088

Q. Did you make many changes?

A. Yes, if I remember correctly there were two or maybe three drafts. Each draft always had the previous changes in it.

Q. Were these drafts, which were read before you, understandable or not?

A. The first draft were grammatically German and hardly understandable.

DR. KEMPNER: I object to this line of questioning. These so-called drafts are not in evidence. We cannot see them and we cannot ask someone about these drafts, which are not available.

MR. MCILWRAITH: Dr. Laternser, what is the object of these questions?

DR. LATERNSER: I want to show by this interrogation that it is important how this affidavit was composed. These questions are absolutely important, especially since these affidavits are part of the indictment of the prosecution against the circle of accused persons.

MR. MCILWRAITH: It is for me to say whether the questions are important or not. I do not understand what the implications of the questions might be. Will you come to the point at once and ask him what you want to ask him.

DR. LATERNSER: Were you told by the Interrogating officer for what reason these documents were asked of you?

THE WITNESS: No.

BY DR. LATERNSER:

Q. At the time you made this affidavit, did you realize for what it would be used?

A. No.

Q. Did you then realize for what it was to be used?

A. I thought that they were made to clear the various facts.

Q. There is a sketch on this affidavit, No. 1. Did you point out that this sketch was not correct?

A. I told the interrogator that through these connecting lines, it is possible that wrong connections could be drawn from this chart, especially since the matter of subordination was virtually not understandable from this skethch.

H1076-0089

Q. What were you told after this objection of yours was made?

A. I was told that there was no misunderstanding, since the matter of subordination was known and that this manner of drawing a sketch was the usual manner used in the American Army.

Q. Colonel General, I ask you to look at this sketch and tell the court what is wrong with it?

DR. KEMPNER: The defense counsel is suggesting that the witness has said something is wrong with the sketch. The witness said very clearly in German and also the translation in English stated that there are certain lines which could be misunderstood. I object to the questioning along the line that the witness has said that something in the sketch is wrong.

MR. MCILWRAITH: Will you amend your question, Dr. Laternser, and ask the witness what is is that is not understandable?

DR. LATERNSER: I think the question which I put is acceptable.

MR. MCILWRAITH: I have told you to amend it.

DR. LATERNSER: Colonel General, would you please tell me then what is not quite correct or could be misunderstood in this sketch?

DR. KEMPNER: I am sorry to have to object continuously.

MR. MCILWRAITH: I am sorry you are doing it too.

DR. KEMPNER: I have to object in order to clarify the procedure. The court ordered that the defense counsel put the question, and the defense counsel did not put the question the way that the order was given by the court. The defense counsel said "what was misunderstood" and the witness said "could be misunderstood". This is a big difference.

MR. MCILWRAITH: Witness, will you answer the question put by Dr. Laternser. What could be misunderstood in this sketch?

THE WITNESS: It could be misunderstood by the connecting lines between Hitler and Keitel and the same applies to the lines between Keitel, Raeder, Goering and Brauchitsch. For another example, the lines between myself and the various commanders in chief of the army groups. Even though the lines are always the same, the matter of subordination is always different. For instance,

H1076-0090

Brauchitsch, Raeder and Goering were never under Keitel just like all the commanders in chief of the army groups were never under me, but rather the Commander in Chief of the army, Von Brauchitsch. In other words, relations varied as shown in the sketch by similar lines and that could be misunderstood.

BY DR. LATERNSER:

Q. General, if you were a military authority that was not informed of the actual facts within this group or command, what would you think if this chart was presented to you? Would you think in the first place that this was the sketch of the chain of command within the forces?

A. If I looked at this from the German point of view, then this sketch would tell that these people are subordinated to each other in the relationship of the positions on the sketch according to the lines. I was told, when I pointed out this fact to the interrogating officer

H1076-0091

that the manner of subordination was not what they were concerned with and this was the manner of doing things in the Austrian army.

MR. MCILWRAITH: You have already said this. Did you initial this sketch after your objections?

THE WITNESS: I was assured by the interrogation officer that there could be no such misunderstanding since the chain of command was already quite well known.

MR. MCILWRAITH: That is the third time you have said that, but you have not yet answered my question.

THE WITNESS: After the declaration of the American officer, I signed the sketch.

DR. LATERNSER: In other words on this sketch should be shown, even though it is not marked on it, the channels within this organization.

THE WITNESS: The word "channel" was used at that time.

BY DR. LATERNSER:

Q I would like to ask you once again to look on the left side of this drawing. Would you look and tell me if it is correct that theorders went from the Commander in Chief of the Army over to the Chief of the General Staff. You then could examine them andindependently pass on these orders to the Commanders in Chief of the army groups?

A No, the commander in chief of the army used the offices of the General Staff and then the orders went to the field army. This office issued his orders.

Q If the office of the chief of the General Staff was only to pass on this information, then this sketch, even though it is only supposed to show the channels of order, should not show the office of the Chief of the General Staff.

A Not as an independent office like the office of the Commander in Chief of the Army.

Q In other words, the chain of orders was that the orders went from the Commander in Chief of the Army directlyto the commanders in chief of the army groups?

A The Commander in Chief of the army and his staff. This group was called by us the OKH - the high command of the army and from that office the

the channel went down directly to the commanders in chief of the army groups.

Q The channel order is also not correct in this sketch in other words?

A The commander in chief of the army informed me of his decisions and I and my staff had to work them out, therefore, there actually was such a channel as is designated on the drawing.

Q But, you in your position as chief of the general staff did not pass on these orders, they were handed to you by the Commander in Chief of the Army.

A No, OKH, the high command of the army.

MR. MCILWRAITH: You have cleared this up sufficiently, Dr. Laternser, your point is quite clear.

DR. LATERNSER: I will finish prettysoon, Sir. I have two or three more questions in this connection and will come to my final point.

Don't you think it would have been better if the commander in chief of the army and chief of the general staff of the army would have been put into one box. For instance, if the commander in chief of the army would have been put on the left side of this box and the office of the commander in chief of the army on the right side of the box and one line should have gone down through the entire box and named the OKH - the high command of the army?

THE WITNESS: This question was considered and I even spoke about it to Captain Rapp, but I did not want this form ofsketch because it also is not correct. The chief of the general staff of the army is only one person and he together with the commanders in chief of the armies forms the OKH - the high command of the army.

BY DR. LATERNSER:

Q Then the right box should have been divided again and one of the parts should have been given to the chief of the general staff of the army.

A I think that would have been out of the frame-work of the sketch that was wanted. It would not have been the correct sketch and I gave to Captain Rapp at that time two sketches of the OKH, whichI made up to the best of my ability and which exactly showed the functions of theOKH - the high command of the army. He had all of that material.

H1076-0092

H1076-0093

Q Colonel General, you admit that this drawing, even though it is only supposed to show the channel of orders, could be misunderstood?

A Yes.

Q I ask you now is this drawing not quite correct, as it is only supposed to show the chain of command?

A Without the verbal explanation, it does not give quite a clear picture.

Q To a military observer, what would this sketch mean to show beside the chain of command and the business channels?

A The matter of subordination.

Q That would have been the chain of command, nothing else?

A I can hardly imagine anything else.

Q If, as you state, this sketch is not quite correct in showing the chain of command, you also stated yourself that the sketch is not quite correct in showing the business channels and if you state that there is nothing else you can draw from this sketch, then one would say that the sketch itself is not correct?

A I think that it could be right in connection with the verbal explanations which were given at that time.

Q But, it would not be correct if the verbal explanations were not attached to this sketch?

A The sketch was correct with the verbal explanations which I gave to the interrogating officer. What use he made of this, I do not know and I did not know if he treated it with or without the attached explanations.

MR. MCILRAITH: You have not answered the question as yet. You have stated that the sketch is correct with the verbal explanation. Does it follow that it is incorrect without the verbal explanations? That was the question.

THE WITNESS: Yes, it might lead to misunderstanding without the verbal explanations.

BY DR. LTERNSER:

Q General, would you draw the sketch like this again.

A If it would not just be for the information of the interrogating

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officer and if it would be used without my explanation, then I would not.

Q That willbe all for this point.

MR. MCILWRAITH: Is that all the questioning you desire of this witness?

DR. LATERNSER: No, only on this point.

MR. MCILWRAITH: Do you prefer to have re-examination on this point or to have all the questions finished.

DR. KEMPNER: I think it would be a good idea if I could re-examine on this one point.

MR. MCILWRAITH: Very well, go ahead.

DR. LATERNSER: Mr. Commissioner, I ask you not to deviate from the procedure which was used up to now and that is that the cross examination be made and closed in one complete examination.

MR. MCILWRAITH: Dr. Laternser, you invited me to let the prosecution re-examine because you finished with that point. I asked if that was all the questions you had to ask and you said only on that point. If you wish to continue to cross examine the witness on other points, do so, but don't interrupt yourself.

DR. LATERNSER: I would like to say that I don't want the value of this cross examination made any smaller by questions in between by the prosecution and I would like to insist that the rules we have followed up to now be followed.

MR. MCILWRAITH: It is you who are interrupting yourself. Continue.

DR. LATERNSER: I will recall this question. I recall the statement concerning this point.

DR. KEMPNER: I do not want to ask any questions, I only want to make a statement on behalf of the United States.

MR. MCILWRAITH: This is not the time to do it, now Dr. Laternser says he wants to go stright on.

BY DR. LATERNSER:

Q In your Affidavit No. 1, you use the words "group" four times. Does this expression "group" come from you?

A No, It was contained in a text and the text was changed several times and I left it in the text.

Q Did you use this word "group" in a similar connection previously

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- that you regarded the military leaders as a group.

A No.

Q What was the sense, the meaning, which you gave this word at the time you signed the statement?

A I did not have any thoughts about this word group. It was just another way of saying number.

Q Did you mean several Generals or did you mean a specific group of generals, which were connected closely for a specific reason?

A The number of generals who may be designated as the leading generals.

Q The prosecution now afterwards explains this word "group" in such a way as if there had been a closed group or organization of the military leaders. Was there ever any such organizational group?

A No.

DR. KEMPNER: I object against this question. We never said

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there was such an organization group.

MR. MCILRAITH: It is a perfectly proper question. Go ahead, Dr. Laternser.

DR. LATERNSER: In the last paragraph of Affidavit 1 in the first sentence you state the following, and I quote: "The composition of this group in the relationship of its members to each other is as shown on the attached chart." What do you mean by "in the relationship to each other?"

THE WITNESS: By that I mean whether these officers were under equal authority or under the authority of other officers.

Q In the affidavit No. 1 you state in the middle of the first page, I quote: "These officers exercise such supervision in their official capacity, and by virtue of their training with opposition in their mutual contacts." What do you mean by "mutual contacts." Were there any special relations?

A The same as is meant as in relationship to each other in the last paragraph. There were no other relations.

Q That is if you don't consider the comradeship contact?

A Those are matters of fact in every army.

Q The last paragraph in that affidavit you state, and I quote: "This was in effect the general staff, and high command of the German Army forces," From whom did this expression come "In effect the general staff"?

A This was the draft which was submitted to me by Captain Rapp.

Q But you left it in that affidavit. What was the meaning you gave this sentence, or this wording at the time when you signed it?

A The reason why I did not make any changes even though I did have the possibility was as follows: Now the words "General Staff" among others and as it is understood in the German Army is different from in the Allied Army, and in those armies where the commander in chief at the same time is chief of the General Staff, the General Staff is considered a group of leadingcommanding generals. In the German Army the General Staff is virtually a group of aides which work especially in the operational and organizational staff. I believe that in the American Army it is called the third office or the third echelon. In both cases, in other words, it is entirely a different meaning, a "General Staff." I was especially entrusted

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in showing that this was a technical military leadership -- an actual military leadership, and that so far as I know is designated as "General Staff" in the American Army. In order to prevent any misunderstanding between the German General Staff, it was a purely technical aid group, and the American Military Army the General Staff is considered the actual military leadership.
In order to prevent any such misunderstanding I consider the verdict of Captain Rapp the best. That is why I left it that way. I was in addition having the thought that this affidavit was to explain or to clarify these matters for the American Army.

Q In other words, you wanted to use the military terminology of the American Army forces in this case?

A Yes.

Q And you did not mean the words "General Staff" as in a German Staff?

A No.

Q Would you use the words "General Staff" in this connection again?

A For a German reader, no, but for an American reader to whom it was given I would not have any hesitation whatsoever.

Q And if you knew that the results would be that the higher German General leaders would have combined under this term "General Staff" and if this term used by you wouldbe used mistakingly, would you use it again?

MR. MCILWRAITH: What is the answer?

THE WITNESS: I can say this, on this occasion the words "General Staff" was used by the opposition all during the entire war, and, therefore, could not have been brought about by my affidavit.

BY DR. LATERNSER:

Q The two affidavits, one and two, the second onebeing made by Field Marshal Brauchitsch are exactly in the same wording, word for word, with the exception of the last paragraph. Can you give me an explanation for this exact wording?

A I suppose that after a series of interrogations a draft of the results was laid before Field Marshal Brauchitsch and myself. Field Marshal Brauchitsch evidently objected to the wording in the last paragraph, and had something changed while I did not do that.

Q Did you talk to Field Marshal Brauchitsch concerning this last

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paragraph, and his objection to it?

A He told me after both he and I had signed it that he had objected to the term in effect of "General Staff" and that he had it changed. I answered him that the declaration of the American interrogating officer was sufficient for me, that the term would be used correctly.

DR. LATERNSER: Mr. President, can we now have a recess of ten minutes.

(Recess)

BY DR. LATERNSER:

Q You said the following in affidavit No. 1, second paragraph: "Specialized military matters of responsibility of three branches of the armed forces subordinate the commander in chief of armed forces, that is to say, the Army, Navy and Air Forces?" You only mention Navy and Air Forces here. Weren't also the Einsatz Group and Einsatz Command, the SIPO and the SD, under the command of military commanders?

A No.

Q The Quartermaster General Wagner told you that in his verbal conference with Heydrich they decided upon the ultimate plans of the socalled Einsatz Group, and of their activity down to the last detail, including the mass exterminations?

DR. KEMPNER: I object to the question because that has nothing to with this affidavit. We are only concerned with this affidavit, and I submit this question should be stricken from the record.

DR. LATERNSER: The witness speaks only of subordinates here, only of the Army, Navy and Air Forces. The prosecution claims that the Einsatz group and the SD were under the command of the military in the military areas, and the defense does not agree with that, and, therefore, the witness should have a chance to give his statement on that.

MR. MCILWRAITH: Where does the "SD" come into this affidavit?

DR. LATERNSER: The witness talks as of the subordinates of the Army, Navy and Air Corps. Does that mean anything about theSD, if so, therefore, it is my duty to find out whether the affidavit is complete, and if the affidavit is correct that is what I want, but if that is out of this questioning then the statement is correct. However, if the SD was under the Army jurisdiction then the affidavit is not correct.

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DR. KEMPNER: The defense counsel had ample opportunity to ask the witness about this and he did. We spent hours and hours with other generals on this topic, and the defense counsel was advised to adhere to this affidavit and do nothing else, and he talks right now about murder, whether the SDhas murdered, and not about any question which has to do with the affidavit.

MR. MCILWRAITH: Dr. Laternser, I don't think you may ask that question.

BY DR. LATERNSER:

Q Did you give all the units active in the military field that designation, when you say that the Army , Navy and Air Corps were under the commander in chief of the armed forces?

A I believe so, yes.

Q It says in the affidavit No. 1 in the middle of the page, I quote: "Plans for military operations and so forth." How did you use the word "plans" in this connection?

A In the same sense as it is used in the German military language. One speaks of planned operations, the planning stage of it; it speaks of the attack plan, or plan of a regiment, or a battalion to attack, in that term I had spoken.

Q Did you yourself prepare, make or submit any plans for actual use, I mean plans of your own yourself?

A I got the order from my commander in chief, who in turn received his order from the OKW, to work out, or have worked out by their staff the leadership plan, or technical leadership plan, and at times worked on it myself.

Q When for the first time did you hear of the discussion of the 5th November 1937?

MR. MCILWRAITH: But there is no mention of that in this affidavit.

DR. LATERNSER: I want to point out to you, Mr. Commissioner, on the first page at the bottom of it, the second to the last sentence, where it says the example of such meeting is of a speech by Hitler, or the commander in chief on 22nd August 1939; that is one of the meetings which the general announced, and among the same meetings is the one of 5 November 1937, of whic the general are also accused, and which can very easily be brought within this line of questioning.

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MR. MCILWRAITH: You must confine yourself to August 22, 1939.

BY DR. LATERNSER:

Q When did you hear of the plan which was announced to the commander in chief on 5 November 1937?

MR. MCILWRAITH: You may not ask that question.

BY DR. LATERNSER:

Q I now refer to the middle of page 1 for this questioning where they speak of plans for the military operations for the German Armed forces. The plan of which the general staff is also accused, and was submitted to the commander in chief on 5 November 1937?

MR. MCILWRAITH: If you put the question in the form, "What was the date of the plan for military operations referred to in the affidavit," you may ask it.

BY DR. LATERNSER:

Q Was that the plan , or the plan which hadlas its basis the discussion of 5 November 1937?

A No.

Q Did your predecessor, Colonel General Beck, tell you when you took over his position of any such meeting in November 1937?

DR. KEMPNER: We object again to this question. It has nothing to do with the affidavit. The affidavit speaks of plans in general, and not about any specific plans.

MR. MCILWRAITH: The witness has stated that the plan announced by Hitler on 5 November 1937 was not one of the plans referred to in his affidavit, and therefore, no other question should be asked about 5th November 1937.

BY DR. LATERNSER:

Q Do you know if there was a plan for occupation of Austria?

A I don't know of any plans for the occupation, but only a plan for a guarding of the German borders towards Austria.

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Q Do you know of any further plans after the Sudetan question had been settled?

DR. KEMPNER: We object again to this continued line of asking questions which are not covered by the affidavit. The affidavit does not say anything about Austria, or about Czechoslovakia, and it was very clear and outstanding about the accusations announced, and in other countries, when we had five or six witnesses under discussion the whole winter, and we did it in days and days and days. We agreed to the cross examination in these affidavits, which is a very strong topic, and we considered it inadmissible in this stage of the Commissioner's hearing in opening the avenue for cross examination for days and days of these witnesses.

MR. MCILWRAITH: If you really want to find out what are the plans for military operations to which the witness refers in his affidavit you must ask him. You must not frame your question to ask him whether he does or does not know of other plans.

BY DR. LATERNSER:

Q What plans of military operations were available after the Sedutan question had been settled?

A There were neither plans nor any preparation of them. In fact in December 1938 it was when the OKW sent out an order saying that all military planning had to cease, and that the Army having concerned itself with the training further of its troops.

MR. MCILWRAITH: Don't you think you have done enough with this affidavit now?

DR. LATERNSER: I can say that I will be finished very shortly.

Q Did you as commander in chief of the army take any steps in the year of 1939 in order to warn Hitler of a possible war. I refer in this respect to the third paragraph of the affidavit number one, page one, the last part of that paragraph which

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states, " Which were to be undertaken by troops."

A I told my commander in chief repeatedly of my thoughts, or my ideas. I never had any talk with Hitler. These thoughts evidently were the result I would like to say of a talk with Sir Henderson. The commander in chief of the army brought this to the attention of Hitler according to my request.

MR. RAPP: Mr. Commissioner, in that respect I would like to point out that this kind of questioning does not proceed entirely from the affidavit, and I would kindly ask you aga in to instruct the counsel to confine himself to the subject matter.

MR. MCILWRAITH: I don't see how this is connected in any way with the affidavit, but perhaps you can explain it.

DR. LATERNSER: Teh " General Staff" is accused with a plan of carrying out plans, and the affidavit of the witness seemingly verifies this, that such plans were made and carried out. Now if I ask the witness whether he warned anybody of this proposed possible war, then this question is directly connected with this affidavit, because the possible answering of this question will show the opposite in this proof.

MR. MCILWRAITH: Well, I understand that, and we have heard the answer. Now continue with the next question.

BY DR. LATERNSER:

Q How did your commander in chief of the army warn of the injury of neutrality of Belgium and Holland after you heard that Hitler wanted to start the war against the Western Powers through an attack against France?

A I pointed out my opposition to the commander in chief of the army and I believe that he went to Hitler with these objections at the end of September 1939.

MR. MCILWRAITH: I think you are mistaken in thinking these answers are of importance. I agree that they may be relevant butI don't think they are of importance.

Q When, as Commander in Chief of the General Staff of the Army did you hear the first time of the proposed attack on

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Russia and when did you start with the planning or preparation?

DR. KEMPNER: I respectfully submit that this is outside the defined topic of this affidavit and the defined purpose of this examination whether this affidavit is correct or not.

MR. MCILWRAITH: Dr. Laternser, that question cannot be allowed. This affidavit is directed at showing the organization of the High Command.

DR. LATERNSER: The reason for this affidavit is not just to show the chart of the High Command but also to show its activity expecially also the planning and preparation of wars. In the middle of the first page it states the sentence which I have already quoted: "They actually did prepare for any such operations as were to be undertaken." If I ask him who was at that time Chief of Staff of the Army, when he heard of the plan to attack Russia, then the answer to this question is right in the middle of this theme.

MR. MCILWRAITH: Well, let him give as brief an answer as possible.

A The first evidence of a possible military conflict I received at the beginning of August 1940. First orders in the form of verbal decrees and orders I received, if I remember correctly, in September 1940.

MR. MCILWRAITH: You were not asked that. Will you confine yourself to answering the question. You have answered the question. Now, Dr. Laternser, will you continue, and keep it short?

BY DR. LATERNSER:

Q When did you start with the preparations. Did you have maps in the General Staff of the Army at that time.

A Not in August 1940. We started with the status the end of August and then, after the Order had been received, in September 1940.

Q Were there any objections against the preparation of this plan by you?

A When the Commander in Chief of the Army told me of this proposed attack for the first time I did object to it quite

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emphatically.

Q Did you bring out any objections later on during military meetings with Hitler?

A On the 3rd or 4th of February 1941 the military counter objections were submitted to Hitler.

Q When a military leader objected to a certain plan could he show his objection by retiring?

MR. RAPP: Mr. Commissioner, we would like to point out that this is not a school for tactical instructions. I believe that this question is entirely irrelevant, that the opinion of the individual is asked for, and that we should again try to confine ourselves to the affidavit.

MR. MCILWRAITH: I don't think that question is a relevant one, Dr. Laternser.

DR. LATERNSER: May I say a few words in this respect?

MR. MCILWRAITH: Yes, but please keep it short. You are wasting too much time.

DR. LATERNSER: In his affidavit the witness has stated that there were plans being prepared and carried out. This statement has been used by the prosecution in the charge against the General Staff. When I asked the witness now whether a military commander could protest against such plans by resigning from his office I should like to have the opinion of the witness in this respect.

MR. MCILWRAITH: No doubt you would like to have a lot of things from this witness, Dr. Laternser, but the object of this procedure is for him to set down in an affidavit a few things on a particular subject and you must confine your cross-examination to what he has set down.

DR. LATERNSER: In putting this question I should like to prove that on the contrary attempts were made at raising objections against the carrying out of such orders.

MR. MCILWRAITH: I don't know what you mean.

DR. LATERNSER: When I put this question I am trying to

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prove that it was impossible to protest against such plans by giving one's resignation.

MR. MCILWRAITH: That isn't one of the matters that this witness has been called to prove. Twenty-one defendants before the Tribunal have all said that they could not resign. This witness is here to give evidence only as set out in his affidavi Will you please confine yourself to cross-examining on that affidavit.

BY DR. LATERNSER:

Q I have another question as regards affida vit No. 6. Witness, I should like to ask you the following question: In this statement you say that the Deputy Chief of the Leadership Corps of the Armed Forces was competent for the draft of strategi plans. I now ask you is that correct and did the position of the Deputy Chief of the Armed Forces exactly correspond to what you have stated here?

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A. May I first answer the second part of the question ? The position of the Deputy Chief of the Leader Staff of the Armed Forces is in no proportion whatever to the other services mentioned in this statement. It is of much less importance. As regards strategic plans, I have used the word the "drafting" of strategic plans ("Ausarbeitung"). The competent agency in this respect is the office which makes out the orders in detail and passes them on. As far as I can remember the drafts in most cases were made by Jodl himself, at least as long as I was in office.

RE EXAMINATION

BY DR. KEMPNER

Q. Herr General Oberst, you know Captain Rapp, don't you ?

A. I have seen him several times.

Q. Is the gentlemen here in civilian clothes ?

A. Yes, I think so.

Q. How many times had you conversations with him - approximately ?

A. I can't give any exact number but I think it was three or four times.

Q. These were long and friendly conversations, is that correct ?

A. Normal conversations.

Q. Did these affidavits constitute the result of these conversations as ards the points mentioned in here ?

A. I suppose that they are partly the result of the conversations that I had with Captain Rapp.

Q. Had you the opportunity of making any corrections in these affidavits

A. Yes.

Q. You made use of this opportunity in Affidavit No. 1 about four times, do you remember that ?

A. I can remember as regards the first drafts or at least the first draft that I made corrections in every line; if there were three or four dozens of lines it will probably be that there were more than four corrections.

Q. And you have made four corrections on the last one as I can see from the marginal remarks.

A. I can't remember that.

Q. May I ask you whether this is your signed "H" ?

(Document is shown to witness)

A. Yes, it is.

Q. Do you think that after all these corrections this affidavit is correc and you have maintained its correctness under oath ? Is that so ?

DR. LATERNSER: I object. It cannot yet be stated whether the result is correct. The witness must first be questioned in this respect. It was exactly the same case when I was interrupted when I asked with respect to a wrong chart ?

DR. KEMPNER: I will reframe the question.

Q. Is the affidavit which you gave at that time correct, or is it not ?

A. Together with corrections and explanations which I gave to Captain Rapp I maintain the correctness but without them it leads certainly to a misunderstanding.

MR. MCILWRAITH: Are you talking about the chart or the affidavit ?

A. In particular about the chart.

DR. KEMPNER: I had not asked you about the chart. I ask you if Affi davit No. 1 is correct ?

A. I cannot separate the chart from the affidavit as it constitutes a part of the affidavit.

MR. MCILLWRAITH: I think you can separate them. The chart is refer to only in the last three lines of the affidavit.

A. The text refers to the chart several times.

MR. RAPP: Mr. Commissioner, direct reference to the "attached chart' made in the last line of the affidavit.

MR. MCILLWRAITH: Is not that the only reference ?

MR. RAPP: Yes.

MR. MCILWRIATH: Surely we have finished with this subject now.

BY DR. KEMPNER:

Q. Now something else. We read in the last paragraph of the affidavit "This was, in effect, the General Staff and High Command of the German Arm

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Forces". Do you remember that it was at your initiative that the words "in effect" were put before the words "The General Staff and High C mmand".

A. I can't remember exactly. It may be the words "in effect" replaced another word at my initiative but I can't remember exactly.

Q. Or that there was nothing at all replaced by the words "in effect "?

A. I can't remember. Anyway, if I put these words in it was my intenti to clarify the sentence.

Q. Now we come to the chart. This chart has never been used as such but only in connection with the affidavit. That is why I ask you if the following statement in your affidavit is correct and I quote :"The composition of this group and the relationship of its members to each other were as shown in the attached chart."

Is that correct ?

A. I have already said that the relationship of its members to each other cannot be understood from this chart and from the lines of this chart without any further explanations.

Q. But together with these explanations it is correct, isn't it ?

A. I have never laid down the explanations which I gave to Captain Rapp at that time so that I cannot remember them exactly right now.

MR. MCILWRAITH: But you weren't asked that. You were asked a questi which you answered about an hour ago -- "Without further explanation is thi chart correct" and your answer was "no " and I presume it is still the same

A. Yes.

DR. KEMPNER: That is all.

MR. MCILWRAITH: The witness may retire.

(The Commission adjourned at 1645 hours.)

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The foregoing is a true and correct transcript of the testimony of GENERAL FRANZ HALDER, taken on 26 July 1946.

Alice Meehan
reporter

Charles Gallagher
reporter

Mabel A. Desser
reporter

CERTIFIED TO:

J. D. McIlwraith
Commissioner